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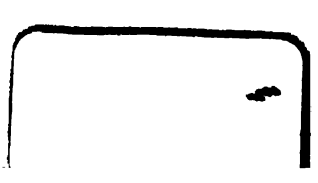
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New York Collection

LAWS

OF THE

STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND THIRTY-FOURTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY FOURTH, 1911, AND ENDED OCTOBER SIXTH, 1911,

AT THE CITY OF ALBANY,

AND ALSO OTHER MATTERS REQUIRED BY LAW TO BE PUBLISHED WITH THE SESSION LAWS.

VOL. I.



ALBANY
J. B. LYON COMPANY, STATE PRINTERS
1911

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AUG 2 1929

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CERTIFICATE.

STATE OF NEW YORK,

OFFICE OF THE SECRETARY OF STATE,

ALBANY, *November* 6, 1911.

Pursuant to the directions of chapter 37, laws of 1909, entitled legislative law, I hereby certify that the following volume of the laws of this state was printed under my direction.

EDWARD LAZANSKY,
Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the legislature, three-fifths of all the members elected to either house thereof being present, pursuant to section 25 of article 3 of the constitution of this state, is designated under its title by the words "passed, three-fifths being present." And every act which received the assent of a majority of all the members elected to each branch of the legislature, pursuant to section 15 of article 3 of the constitution of this state, is designated under its title by the words "passed, a majority being present." And every act which received the assent of two-thirds of all the members elected to each branch of the legislature, pursuant to section 20 of article 3 of the constitution of this state, is designated under its title by the words "passed by a two-thirds vote." [See legislative law, laws of 1909, chapter 37, section 44.]

PUBLICATION OF SESSION LAWS.

Publication of session laws; contents of published volumes of session laws. The secretary of state shall annually cause the session laws to be published as soon as possible after the adjournment of the legislature. Such volumes shall contain:

1. A statement of the names and residences of the governor, lieutenant-governor, senators and members of assembly, the presiding officers and clerks of both houses in office during each session.

2. The laws and concurrent resolutions passed at each session.

3. Amendments to the state constitution approved and ratified by the people at the last preceding general election.

4. Tables showing the laws and parts thereof amended or repealed by such laws.

5. Indexes of the laws and concurrent resolutions contained in such volumes.

6. Such other matters as are required by law to be published in such volumes.

Such laws, concurrent resolutions, tables, indexes and other matters so required to be published shall be prepared for publication in the state library under the supervision of the director thereof. Side notes or section headings shall be inserted indicating the subject-matter of the several sections of the laws and concurrent resolutions. Suitable references to existing general or consolidated laws, codes, or special or local laws may be made in foot notes or otherwise. The said director may submit to the state printing board changes in the style of execution as to type and paper, which, when approved by such board, shall be the style of execution to be thereafter followed in the publication of session laws. All contracts hereafter entered into for the printing of session laws shall be for terms of two years, and shall provide for the printing thereof in the style as so approved, and with

the notes and references and in the form, and containing the matter, herein authorized or required. Each volume printed for the state shall contain the certificate of the secretary of state that it was printed under his direction. (Legislative law, L. 1909, ch. 37, § 45, as amended by L. 1911, ch. 272.)

List of Officers and Members of the Legislature.

1911.

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS AND MEMBERS OF ASSEMBLY, THE PRESIDING OFFICERS AND CLERKS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

GOVERNOR.

JOHN ALDEN DIX.....[1] ALBANY, ALBANY COUNTY.

LIEUTENANT-GOVERNOR.

THOMAS F. CONWAY.....PLATTSBURG, CLINTON COUNTY.

CLERK OF THE SENATE.

PATRICK E. McCABE.....ALBANY, ALBANY COUNTY.

SENATORS.

District.	NAME.	County.	Address.
1..	James L. Long.....	Nassau.....	Oyster Bay.
2..	Dennis J. Harte.....	Queens.....	Long Island City.
3..	Thomas H. Cullen.....	Kings.....	Brooklyn.
4..	Loring M. Black, Jr.....	Kings.....	Brooklyn.
5..	Barth S. Cronin.....	Kings.....	Brooklyn.
6..	Eugene M. Travis.....	Kings.....	Brooklyn.
7..	Thomas C. Harden.....	Kings.....	Brooklyn.
8..	James F. Duhamel.....	Kings.....	Brooklyn.
9..	Felix J. Sanner.....	Kings.....	Brooklyn.
10..	James H. O'Brien.....	Kings.....	Brooklyn.
11..	Christopher D. Sullivan.....	New York.....	New York city.
12..	Timothy D. Sullivan.....	New York.....	New York city.
13..	James D. McClelland.....	New York.....	New York city.
14..	Thomas F. Grady.....	New York.....	New York city.
15..	Thomas J. McManus.....	New York.....	New York city.
16..	Robert F. Wagner.....	New York.....	New York city.
17..	John Godfrey Saxe.....	New York.....	New York city.
18..	Henry W. Pollock.....	New York.....	New York city.
19..	Josiah T. Newcomb.....	New York.....	New York city.

[1] Official Residence.

SENATORS—(Concluded).

District.	NAME.	County.	Address.
20..	James J. Frawley.....	New York.....	New York city.
21..	Stephen J. Stilwell.....	New York.....	New York city.
22..	Anthony J. Griffin.....	New York.....	New York city.
23..	Howard R. Bayne.....	Richmond.....	New Brighton.
24..	J. Mayhew Wainwright.....	Westchester.....	Rye.
25..	John Bailey Rose.....	Orange.....	Roseton.
26..	Franklin D. Roosevelt.....	Dutchess.....	Hyde Park.
27..	William P. Fiero.....	Greene.....	Catskill.
28..	Henry M. Sage.....	Albany.....	Menands.
29..	Victor M. Allen.....	Rensselaer.....	Petersburg.
30..	Edgar Truman Brackett.....	Saratoga.....	Saratoga Springs.
31..	Loren H. White.....	Schenectady.....	Delanson.
32..	Seth G. Heacock.....	Herkimer.....	Ilion.
33..	James A. Emerson.....	Warren.....	Warrensburg.
34..	Herbert P. Coats.....	Franklin.....	Saranac Lake.
35..	George H. Cobb.....	Jefferson.....	Watertown.
36..	T. Harvey Ferris.....	Oneida.....	Utica.
37..	Ralph W. Thomas.....	Madison.....	Hamilton.
38..	J. Henry Walters.....	Onondaga.....	Syracuse.
39..	Harvey D. Hinman.....	Broome.....	Binghamton.
40..	Charles J. Hewitt.....	Cayuga.....	Locke.
41..	John F. Murtaugh.....	Chemung.....	Elmira.
42..	Frederick W. Griffith.....	Wayne.....	Palmyra.
43..	Frank C. Platt.....	Steuben.....	Painted Post.
44..	Thomas H. Bussey.....	Wyoming.....	Perry.
45..	George F. Argetsinger.....	Monroe.....	Rochester.
46..	William L. Ormrod.....	Monroe.....	Churchville.
47..	Robert H. Gittins.....	Niagara.....	Niagara Falls.
48..	Frank M. Loomis.....	Erie.....	Buffalo.
49..	Samuel J. Ramsperger.....	Erie.....	Buffalo.
50..	George B. Burd.....	Erie.....	Buffalo.
51..	Charles M. Hamilton.....	Chautauqua.....	Ripley.

SPEAKER OF THE ASSEMBLY.

DANIEL D. FRISBIE.....Middleburg, Schoharie County.

CLERK OF THE ASSEMBLY.

GEORGE R. VAN NAMEE[2].....Watertown, Jefferson County.

MEMBERS OF ASSEMBLY.

District.	NAME.	County.	Address.
1..	Harold J. Hinman	Albany	Albany.
2..	William E. Nolan	Albany	Albany.
3..	Robert B. Waters	Albany	Albany.
	Jesse S. Phillips	Allegany	Andover.
	Charles S. Butler	Broome	Harpersville.
	Ellsworth J. Cheney	Cattaraugus	Sandusky.
	Nelson L. Drummond	Cayuga	Auburn.
1..	Julius Lincoln	Chautauqua	Jamestown.
2..	John Leo Sullivan	Chautauqua	Dunkirk.
	Robert P. Bush	Chemung	Horseheads.
	Walter A. Shepardson	Chenango	Norwich.
	John R. Trombly	Clinton	Altona.
	Randall N. Saunders	Columbia	Claverack.
	Charles F. Brown	Cortland	Cortland.
	Clayton L. Wheeler	Delaware	Hancock.
1..	Ferdinand A. Hoyt	Dutchess	Fishkill-on-Hudson.
2..	Lewis Stuyvesant Chanler	Dutchess	Barrytown.
1..	James S. Dawson	Erie	Buffalo.
2..	Oliver G. La Reau	Erie	Buffalo.
3..	Leo J. Neupert	Erie	Buffalo.
4..	Edward D. Jackson	Erie	Buffalo.
5..	Richard F. Hearn	Erie	Buffalo.
6..	Anthony H. Moncsynski	Erie	Buffalo.
7..	Gottfried H. Wende	Erie	Buffalo.
8..	Clarence MacGregor	Erie	Buffalo.
9..	Frank B. Thorn	Erie	Orchard Park.
	James Shea	Essex	Lake Placid.
	Alexander Macdonald	Franklin	St. Regis Falls.
	Alden Hart	Fulton and Hamilton	Gloversville.
	Clarence Bryant	Genesee	Le Roy.
	J. Lewis Patrie	Greene	Catskill.
	Judson Bridenbecker	Herkimer	Herkimer.
1..	Lewis W. Day	Jefferson	Sacketts Harbor.
2..	John G. Jones	Jefferson	Carthage.
1..	Edmund R. Terry	Kings	Brooklyn.
2..	William J. Gillen	Kings	Brooklyn.
3..	Michael A. O'Neil	Kings	Brooklyn.
4..	Clarence W. Donovan	Kings	Brooklyn.
5..	Abraham F. Lent	Kings	Brooklyn.
6..	John H. Gerken	Kings	Brooklyn.
7..	Daniel F. Farrell	Kings	Brooklyn.
8..	John J. McKeon	Kings	Brooklyn.
9..	Edmund O'Connor	Kings	Brooklyn.
10..	Frederick M. Ahern	Kings	Brooklyn.
11..	William W. Colné	Kings	Brooklyn.
12..	Sydney W. Fry	Kings	Brooklyn.

[2] Vice Luke McHenry who died Sept. 17, 1911.

MEMBERS OF ASSEMBLY—(Continued).

District.	NAME.	County.	Address.
13..	John H. Donnelly	Kings	Brooklyn.
14..	James E. Fay	Kings	Brooklyn.
15..	John J. O'Neill	Kings	Brooklyn.
16..	John F. Jameson	Kings	Sheepshead Bay.
17..	Edward A. Ebbets	Kings	Brooklyn.
18..	Almeth W. Hoff	Kings	Brooklyn.
19..	Jacob Schifferdecker	Kings	Brooklyn.
20..	George F. Carew	Kings	Brooklyn.
21..	Harry Heyman	Kings	Brooklyn.
22..	Joseph T. Geatons	Kings	Brooklyn.
23..	Louis Goldstein	Kings	Brooklyn.
	Robert E. Gregg	Lewis	Barnes Corners.
	John C. Winters, Jr	Livingston	Mount Morris.
	Kirk B. De Lano	Madison	Canastota.
1..	Edward H. White	Monroe	Rochester Junction.
2..	Simon L. Adler	Monroe	Rochester.
3..	August V. Pappert	Monroe	Rochester.
4..	Cyrus W. Phillips	Monroe	Rochester.
5..	William T. Keys	Monroe	Scottsville.
	Richard A. Brace	Montgomery	Fultonville.
	Henry A. Hollmann	Nassau	Sea Cliff.
1..	Thomas Byron Caughlan	New York	New York city.
2..	Alfred E. Smith	New York	New York city.
3..	James Oliver[1]	New York	New York city.
4..	Aaron J. Levy	New York	New York city.
5..	James J. Walker	New York	New York city.
6..	Harry Kopp	New York	New York city.
7..	Peter P. McElligott	New York	New York city.
8..	Moritz Graubard	New York	New York city.
9..	John C. Hackett	New York	New York city.
10..	Harold Spielberg	New York	New York city.
11..	John J. Boylan	New York	New York city.
12..	James A. Foley	New York	New York city.
13..	James J. Hoey	New York	New York city.
14..	John J. Herrick	New York	New York city.
15..	Ashton Parker	New York	New York city.
16..	Martin G. McCue	New York	New York city.
17..	Franklin Brooks	New York	New York city.
18..	Mark Goldberg	New York	New York city.
19..	Andrew F. Murray	New York	New York city.
20..	Patrick J. McGrath	New York	New York city.
21..	Joseph A. Warren	New York	New York city.
22..	Edward Weil	New York	New York city.
23..	Frederick A. Higgins	New York	New York city.
24..	Thomas A. Brennan	New York	New York city.
25..	Artemas Ward, Jr	New York	New York city.
26..	Abram Goodman	New York	New York city.
27..	Walter R. Herrick	New York	New York city.
28..	Jacob Levy	New York	New York city.
29..	Harold J. Friedman	New York	New York city.
30..	Louis A. Cuvillier	New York	New York city.
31..	Max Shlivek	New York	New York city.
32..	Thomas F. Turley	New York	New York city.

[1] Died Sept. 18, 1911.

MEMBERS OF ASSEMBLY—(Concluded).

District.	NAME.	County.	Address.
33..	John Gerhardt	New York	New York city.
34..	Seymour Mork	New York	New York city.
35..	Thomas F. Egan	New York	New York city.
1..	Benjamin F. Gould	Niagara	Lockport.
2..	Henry A. Constantine	Niagara	Niagara Falls.
1..	John W. Manley	Oneida	Utica.
2..	Herbert E. Allen	Oneida	Clinton.
3..	James T. Cross	Oneida	Rome.
1..	James E. Connell	Onondaga	Baldwinsville.
2..	Fred W. Hammond	Onondaga	Syracuse.
3..	Thomas K. Smith	Onondaga	Syracuse.
	Thomas B. Wilson	Ontario	Hall.
1..	Caleb H. Baumes	Orange	Newburgh.
2..	John D. Stivers	Orange	Middletown.
	Frank A. Waters	Orleans	Medina.
	Thaddeus C. Sweet	Oswego	Phoenix.
	Chester A. Miller	Otsego	Oneonta.
	John R. Yale	Putnam	Brewster.
1..	Andrew Zorn	Queens	Long Island City.
2..	Alfred J. Kennedy	Queens	Whitestone.
3..	Owen E. Fitspatrick	Queens	Station J., L. I.
4..	Harry I. Huber	Queens	Richmond Hill.
1..	Frederick C. Filley	Rensselaer	Troy.
2..	Bradford R. Lansing	Rensselaer	Rensselaer.
	William Allaire Shortt	Richmond	Tompkinsville.
	George A. Blauvelt	Rockland	Monsey.
1..	Fred J. Gray	St. Lawrence	Ogdensburg.
2..	Edwin A. Merritt, Jr	St. Lawrence	Potsdam.
	William M. Martin	Saratoga	Saratoga Springs.
	John C. Myers	Schenectady	Schenectady.
	Daniel D. Frisbie	Schoharie	Middleburg.
	John W. Gurnett	Schuyler	Watkins.
	Charles W. Cosad	Seneca	Waterloo.
1..	Thomas Shannon	Steuben	Bath.
2..	John Seeley	Steuben	Woodhull.
1..	DeWitt C. Talmage	Suffolk	East Hampton.
2..	Frederick Sheide	Suffolk	Lindenhurst.
	John K. Evans	Sullivan	Bloomingburg.
	Otis S. Beach	Tioga	Owego.
	Minor McDaniels	Tompkins	Enfield Center.
1..	George Washburn	Ulster	Kingston.
2..	Samuel C. Waring	Ulster	New Paltz.
	Henry E. H. Brereton	Warren	Hill View.
	James S. Parker	Washington	Salem.
	Albert Yeomans	Wayne	Walworth.
1..	Harry W. Haines	Westchester	Yonkers.
2..	William S. Coffey	Westchester	Mount Vernon.
3..	Frank L. Young	Westchester	Ossining.
4..	John Ambrose Goodwin	Westchester	White Plains.
	Henry A. Pierce	Wyoming	Castile.
	Frank McA. Collin	Yates	Penn Yan.

LAWS OF THE STATE OF NEW YORK.

PASSED AT THE 134TH REGULAR SESSION OF THE LEGISLATURE, BEGUN JANUARY 4, 1911, AND ENDED OCTOBER 6, 1911, AT THE CITY OF ALBANY.

VOLUME I.

Chap. 1.

AN ACT reappropriating a portion of the unexpended balance of the appropriation heretofore made to the office of the secretary of state for carrying out the provisions of article eleven of the highway law, in relation to motor vehicles.[1]

Became a law February 3, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of forty-seven thousand dollars ($47,000), or so much thereof as may be necessary, being a portion of the unexpended balance of the appropriation of one hundred and ninety thousand dollars ($190,000) made to the office of the secretary of state by chapter five hundred and twelve of the laws of nineteen hundred and ten for carrying out the provisions of article eleven of the highway law in relation to motor vehicles, is hereby reappropriated and made available for salaries of employees, in addition to the sum of thirty-five thousand dollars ($35,000) made available by such act for such purpose, and the sum of three thousand dollars ($3,000), or so much thereof as may be necessary, being a portion of such unexpended balance of such appropriation of one hundred and ninety thousand dollars ($190,000), is hereby reappropriated and made available for compensation of examiners in addition to the sum of fifteen thousand dollars ($15,000) made available by such act for such purpose.

§ 2. This act shall take effect immediately.

[1] For further reappropriation see ch. 318, *post*.

Chap. 2.

AN ACT making appropriations for the commission, appointed pursuant to chapter five hundred and eighteen of the laws of nineteen hundred and nine, to inquire into the question of employers' liability and certain other questions specified in such act.

Became a law February 14, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of five thousand dollars ($5,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the commission appointed pursuant to chapter five hundred and eighteen of the laws of nineteen hundred and nine, payable by the treasurer upon the warrant of the comptroller and the certificate of the chairman of the commission, for the purposes specified in such act.

§ 2. This act shall take effect immediately.

Chap. 3.

AN ACT making appropriations for certain immediate expenses of the legislature, and providing for deficiencies in former appropriations therefor.

Became a law February 17, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The several sums hereinafter named, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, payable by the treasurer on the warrant of the comptroller for the purposes and in the manner hereinafter provided:

Contingent fund.

For deficiency in the contingent fund of the legislature, the sum of twenty thousand dollars ($20,000).

For the clerks of the senate and assembly for clergymen officiating as chaplains, to be paid at the rate of five dollars for each day of attendance; for printing, stationery, supplies, file boards, record books, preparation, proofreading and comparison of journals, documents, financial reports, supplemental and session indexes, clerical and stenographic services, preparation and revising legislative manual and clerk's manual, books and blanks, care of bills, documents and library, law books and binding books and records, furniture, alteration and repair of legislative rooms, expense of receiving reports and printed documents and storing, addressing and forwarding the same, engrossing resolutions and for other legislative expenses, to be paid upon the certificate of the clerk of the senate or assembly, respectively, the sum of thirty thousand dollars ($30,000). Miscellaneous expenses.

§ 2. This act shall take effect immediately.

Chap. 4.

AN ACT to ratify, confirm and legalize the proceedings of the town of Irondequoit in the county of Monroe, had and taken in the matter of the establishment of a water district in said town; the sale, award and issuance of the bonds of said town to pay for the cost of constructing a water system in said water district; and to provide for the payment of said bonds.

Became a law March 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The petition of taxpayers to the town board for the establishment of a water district at Summerville in the town of Irondequoit in the county of Monroe, and all acts and proceedings thereon had and taken by said town board, its officers and agents, in the establishment of said water district and the appointment of water commissioners therefor, and all acts and proceedings had and taken by such water commissioners and such town board, their officers and agents, leading up to and including the sale of the bonds of said town in the aggregate amount of twenty thousand dollars for the purpose of obtaining funds for the construction of a water system in said district, including the acceptance Proceedings relative to establishment of water district and sale of bonds therefor, legalized.

of a bid for such bonds and the award thereon by the said town board on the twenty-fourth day of January, nineteen hundred and eleven, are hereby ratified, confirmed and legalized, notwithstanding any defect or irregularity, or the omission of any lawful requirement in any of such acts or proceedings.

Bonds legalized.

§ 2. All, and each, of said bonds so sold and awarded, consisting of ten registered bonds of the said town of Irondequoit of the denomination of two thousand dollars each, numbered one to ten inclusive, bearing date March first, nineteen hundred and eleven, and payable one bond in the order as numbered on the first day of March, in each of the years nineteen hundred and sixteen to nineteen hundred and twenty-five inclusive, with interest thereon at the rate of five per centum per annum payable annually, are hereby legalized and are directed to be signed by the supervisor and attested by the town clerk under the corporate seal of said town; and when so executed the said supervisor is directed to deliver the said bonds to the purchasers to whom they were awarded or to their assignee or nominee upon the receipt of the price for which they were sold; and when so delivered and paid for said bonds shall become and be valid and binding obligations of said town.

Execution and delivery directed.

Bonds validated.

Tax for payment.

§ 3. The proper officers shall raise annually, by tax, in the manner provided by law, such sums as may be necessary to pay the interest and principal of said bonds as the same shall become due.

Pending actions.

§ 4. This act shall not affect any action or proceeding pending in any court at the time the same takes effect.

§ 5. This act shall take effect immediately.

Chap. 5.

AN ACT to legalize the issue of bonds of the town of Chateaugay in the county of Franklin, authorized by the board of supervisors of said county, for the purpose of completing the erection of a town house in said town, and to provide for the payment of the principal and interest thereof.

Became a law March 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to bond issue legalized.

Section 1. The special town meeting held in and for the town of Chateaugay, Franklin county, New York, on the eighteenth day of October, nineteen hundred and ten, and the proposition submitted and adopted at such special town meeting providing for the completion of the erection of a town house, and the appropriation of the sum of fifteen thousand dollars for such purpose, and the act of the board of supervisors of Franklin county, passed at a regular meeting thereof on the twelfth day of December, nineteen hundred and ten, authorizing said town of Chateaugay to borrow on the faith and credit of said town the sum of fifteen thousand dollars to pay the expense of completing the erection of a town house in said town, and to issue its bonds therefor, in the denomination of five hundred dollars each for the amount so borrowed, two bonds to be payable on the first day of February, in the years nineteen hundred and fifteen to nineteen hundred and twenty-nine, both inclusive, and all proceedings leading up to the passage of said act are hereby ratified, confirmed and legalized, and made of the same force and effect as if the laws applicable thereto had been fully and strictly complied with; and the bonds of said town, bearing interest at the rate for which they shall be sold and not exceeding five per centum per annum shall be issued thereunder and signed by the supervisor and town clerk thereof, are hereby declared to be valid and binding obligations of said town.

Bonds validated.

Tax for payment.

§ 2. The board of supervisors of said county of Franklin shall cause to be raised annually upon taxable property of said town of Chateaugay such sums of money as shall be necessary to pay the instalments of principal and interest of said bonds as they shall become due, until said bonds and interest thereon shall be fully paid.

Pending actions.

§ 3. This act shall not affect any action or proceeding now pending in any court.

§ 4. This act shall take effect immediately.

Chap. 6.

AN ACT to legalize, ratify and confirm the sale and issuance of the bonds of the city of Johnstown in the aggregate amount of fifteen thousand dollars, and to provide for the payment of the principal and interest of the same.

Became a law March 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bonds validated.

Section 1. All, and each of the bonds of the city of Johnstown sold and awarded at a price not less than par at a public sale thereof on the twenty-ninth day of July, nineteen hundred and ten, consisting of fifteen school bonds of the denomination of one thousand dollars each, signed by the president and clerk of the board of education and countersigned by the chamberlain of said city, with the seal of said city affixed thereto, numbered one to fifteen inclusive, dated August first, nineteen hundred and ten, payable November first in each of the years nineteen hundred and fifteen to nineteen hundred and twenty-nine inclusive, in order as numbered, bearing interest at the rate of four and one-half per centum per annum, payable semi-annually, on the first days of November and May in each year, are hereby legalized, and declared to be valid obligations of said city, notwithstanding any defect or irregularity, or the omission of any lawful requirement in the acts and proceedings of the qualified voters, board of education, officers and agents, of said city, leading up to and including the sale and award of said bonds; and the proper officer or agent of said city is hereby directed to deliver said bonds to the purchasers thereof, their assignee or nominee, upon the receipt of the amount agreed to be paid therefor not less than par.

Delivery directed.

Tax for payment.

§ 2. The proper officers of said city, in the manner provided by law, shall cause such sums to be raised annually by tax, as shall be

necessary to pay the interest and principal of said bonds as the same shall become due.

§ 3. This act shall not affect any action or proceeding pending in any court at the time it takes effect. Pending actions.

§ 4. This act shall take effect immediately.

Chap. 7.

AN ACT to legalize the establishment of the Roslyn water district in the town of North Hempstead, and the issuance and sale of the bonds of said town to install a water plant in said district, and to provide for the payment of said bonds.

Became a law March 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The establishment of the Roslyn water district in the town of North Hempstead, and the organization of the water commissioners thereof, and the orders adopted by the town board on August thirtieth, nineteen hundred and ten, for such purposes, are each of them in all respects legalized, ratified and confirmed. Establishment of water district and organization of commissioners, legalized.

§ 2. The resolution of the town board of the town of North Hempstead, adopted November first, nineteen hundred and ten, authorizing the issuance and sale of the bonds of said town, in the sum of one hundred and eight thousand dollars, for the purpose of installing and maintaining a water plant in said Roslyn water district of said town, and all things done under or pursuant to said resolution, including the advertisement and sale of said bonds, are hereby in all respects legalized, ratified and confirmed, and said bonds maturing eighteen thousand dollars November first, nineteen hundred and fifteen, and six thousand dollars each year thereafter to and including November first, nineteen hundred and thirty, with interest at the rate of four and eighty one-hundredths per centum per annum payable semi-annually, shall, when issued and delivered, be valid and binding obligations of said town of North Hempstead. The said bonds signed by the supervisor and attested by the town clerk shall be delivered to the purchaser upon payment of the purchase price therefor, provided that should such purchaser fail to take up and pay for said bonds, the town board Bond issue legalized. Bonds validated. Delivery directed.

Resale. may authorize the resale thereof in such manner and bearing such rate of interest not more than five per centum per annum, as it may direct, at public or private sale, but for not less than par.

Payment. § 3. The principal and interest of said bonds shall be a town charge, and be paid as the same become due, from the proceeds of the tax apportioned upon said water district, or should such proceeds at any time prove insufficient therefor, from any other general or contingent fund, or by a general tax upon said town.

Pending actions. § 4. This act shall not affect any action or proceeding now pending.

§ 5. This act shall take effect immediately.

Chap. 8.

AN ACT authorizing the extension of the term of corporate existence of the Masonic Building Association, and authorizing the trustees and stockholders of the said Masonic Building Association to execute and file and have recorded a certificate or certificates of extension of the time of the corporate existence thereof, and legalizing certain of the acts, transactions and proceedings of said Masonic Building Association, its officers, trustees and stockholders.

Became a law March 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Extension of corporate existence authorized. Section 1. The trustees and stockholders of the Masonic Building Association, a domestic corporation whose principal place of business is located at, and whose operations are carried on at Ellenville, Ulster county, the term of corporate existence of which expired on the twenty-eighth day of March, one thousand nine hundred and four, pursuant to law, are hereby authorized, at any time within six months after this act shall take effect, to execute and file and have recorded any certificate, certificates or instruments required or necessary to extend the corporate existence of said Masonic Building Association, for a term not exceeding one hundred years beyond the time specified by law for its duration, to-wit, March twenty-eighth, one thousand nine hundred and four,

with the same force and effect as though the same had been executed, filed and recorded prior to the time when the corporate existence of said Masonic Building Association expired. Said certificate, certificates or instruments shall be in the form required by the general statutes of the state for such purpose, and there shall be paid for such recording and extension all fees required under said statutes. The secretary of state and county clerk of the proper county are hereby severally directed to receive, file and record, such certificate, certificates or instruments in every respect as though the same had been filed prior to the time when the corporate existence of said Masonic Building Association expired. Proceedings.

§ 2. The said corporation, after the execution and filing of the certificate, certificates or instruments mentioned in section one shall continue to be possessed and seized of all the property, and to be vested with all the rights and privileges, had, possessed, owned and enjoyed by the said Masonic Building Association, on the twenty-eighth day of March, in the year one thousand nine hundred and four, or at any time prior thereto, and all property, rights and privileges had, owned, possessed and enjoyed by said Masonic Building Association at the date of the passage of this act, subject to the liabilities and restrictions provided by law. Rights continued.

§ 3. All the acts, transactions and proceedings of the said Masonic Building Association and of the stockholders, trustees and officers thereof in carrying on, conducting and transacting the business of, and making contracts in behalf of said Masonic Building Association, and the election and appointment of all officers thereof from the twenty-eighth day of March, one thousand nine hundred and four, to the date of the passage of this act, are hereby legalized and made as valid and effective as though the existence of said corporation had been duly extended from said twenty-eighth day of March, one thousand nine hundred and four, according to law, and was in full force and effect at the time such acts, transactions, proceedings, contracts, elections and appointments aforesaid, were done, made, performed, occurred, had and entered into, provided this act shall not affect any action or proceeding commenced prior to the passage of the same. Proceedings from Mar. 28, 1904, legalized. Pending actions

§ 4. This act shall take effect immediately.

Chap. 9.

AN ACT to amend the state charities law in relation to estimates.

Became a law March 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 57, § 45, as amended by L. 1909, ch. 149, amended.

Section 1. Section forty-five of chapter fifty-seven of the laws of nineteen hundred and nine, entitled "An act relating to state charities constituting chapter fifty-five of the consolidated laws," as amended by chapter one hundred and forty-nine of the laws of nineteen hundred and nine, is hereby amended[1] to read as follows:

§ 45. * **Monthly estimates of expenses; contingent fund.** The superintendent or other managing officer of each of the state institutions reporting to the fiscal supervisor shall quarterly, upon such day as the fiscal supervisor shall direct,[2] cause to be prepared triplicate estimates in minute detail of the expense required for the institution of which he has the supervision, for the ensuing quarter.[3] He shall countersign and submit two of such triplicates to the fiscal supervisor and retain the other to be placed on file in the office of the institution. The fiscal supervisor may cause such estimates to be revised either as to quantity or quality of supplies and the estimated cost thereof, and shall certify that he has carefully examined the same and that the articles contained in such estimate, as approved or revised by him, are actually required for the use of the institution and shall thereupon present such estimate and certificate to the comptroller. Upon the revision and approval of such estimate the comptroller shall authorize the board of managers, trustees or other managing officers of such institution to make drafts on him as the money may be required for the purposes mentioned in such estimates, which draft shall be paid on his warrant out of the funds in the treasury of the state appropriated for the support of such institutions. In every such estimate there shall be a sum named, not to exceed two hundred and fifty dollars, as a contingent fund, for which no minute detailed statement need be made. No expenditures shall be made from such contingent fund,

* So in original.

[1] Section 45 is further amended by L. 1911, ch. 405, post.

[2] Words "quarterly, upon such day as the fiscal supervisor shall direct," substituted for words "on or before the fifteenth day of each month."

[3] Formerly "month."

except in case of actual emergency requiring immediate action, and which cannot be deferred without loss or danger to the institution or the inmates thereof. The treasurer of any such institution shall pay no accounts unless they are contained in the estimate provided in this section and duly approved by the fiscal supervisor: nor shall the treasurer of any institution named or referred to in this section pay accounts for supplies furnished to officers or employees unless the same be drawn from the ordinary supplies provided for the general use of the institution. No persons, other than the officers and employees of such institutions, and the families of the superintendents, medical officers, adjutants, quartermasters or stewards, necessarily residing therein, shall be allowed rooms and maintenance, except at a rate fixed by the state comptroller and the fiscal supervisor with the approval of the governor.

§ 2. This act shall take effect immediately.

Chap. 10.

AN ACT to provide for the submission of a proposition to the taxpayers of the village of Silver Creek to determine whether the expense, within certain limits, of maintaining a building for public purposes to be conveyed to the Silver Creek Memorial Association, herein incorporated, shall be borne by said village, and to regulate the management and control of said building.

Became a law March 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. At the annual village election to be held in March, nineteen hundred and eleven, the trustees of the village of Silver Creek shall submit to the taxpayers thereof the following proposition: Shall the village of Silver Creek assume, to the extent of twelve hundred dollars annually, the expense of maintaining for public purposes a building in said village to be conveyed by the Lee heirs to the Silver Creek Memorial Association and to cost

Submission of proposition directed.

Notice of election.

about thirty-five thousand dollars? Notice of the time and place of such election, together with a copy of the proposition to be submitted thereat, shall be published in the official paper in the village of Silver Creek once in each week for at least two weeks immediately preceding the time of holding the same, and shall be posted in at least ten public places in such village. The vote on such proposition shall be by ballot, in the form, so far as practicable, prescribed by section three hundred and thirty-two of the election law.

Vote, how taken.

Annual appropriation for maintenance.

§ 2. If such proposition shall be adopted, the trustees of the village of Silver Creek shall set aside twelve hundred dollars annually, or so much thereof as may be necessary for the purpose of maintaining and keeping in good repair the building hereinafter specified.

Silver Creek Memorial Association incorporated; purposes and powers.

§ 3. Twelve persons, to be named in the first instance by the trustees of said village, and all other persons who shall hereafter be associated with them, are hereby created a body corporate under the name of the Silver Creek Memorial Association. Such corporation is formed for the purpose, and is hereby authorized to accept a building, to be constructed by the heirs of the Lee estate, which is to cost about thirty-five thousand dollars, and to be donated and conveyed by such heirs to this corporation to be used for social, benevolent and charitable purposes, and generally to promote learning and refinement, and for such other public purposes for the benefit of the village of Silver Creek and its inhabitants as the directors thereof may determine.

Powers as to property.

§ 4. Such corporation shall have power to take and hold real and personal estate by purchase, gift, devise, or bequest, subject to the provisions of law.

Trustees.

§ 5. The number of trustees of the corporation hereby created shall be twelve, and the successors of said original trustees shall be elected in such manner and at such times as may be prescribed by the by-laws to be adopted by said corporation, which is authorized to alter, modify and change the same from time to time as shall be prescribed therein. Such trustees shall constitute the governing board or body of said corporation and shall be called its board of directors.

Annual meeting.

§ 6. Such corporation shall hold in said building to be accepted by said corporation in the village of Silver Creek a stated annual meeting in such manner and subject to such regulations as its by-laws may provide. Said board of directors shall have power to

Employees.

appoint and remove employees and fix their compensation. None of the directors or officers of said corporation shall receive compensation for services, and said corporation shall have no capital stock and declare no dividends. Officers to receive no compensation. No capital stock or dividends.

§ 7. This act shall take effect immediately.

Chap. 11.

AN ACT authorizing the common council and mayor of the city of Buffalo to convey by quitclaim deeds to abutting owners a strip of land lying between the present lines of Woodlawn avenue and private property adjacent thereto.

Became a law March 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Buffalo is hereby authorized to execute and deliver to each owner of land adjacent to Woodlawn avenue in said city such part of a strip of land which was formerly a part of Barr street, now discontinued, as lies between his or her land and the present line of Woodlawn avenue. Upon the adoption of a resolution by the common council authorizing or directing the same, the mayor may execute and deliver to each such abutting owner a quitclaim deed conveying to him or her all of the city's interest in the lands so intervening between such abutting owner's land and the line of Woodlawn avenue. Conveyance authorized.

§ 2. All deeds heretofore executed and delivered by the city of Buffalo to any of the abutting owners mentioned in section one of this act of any portion of said strip of land lying between their lands and Woodlawn avenue are hereby ratified and confirmed. Deeds heretofore delivered, ratified.

§ 3. This act shall take effect immediately.

Chap. 12.

AN ACT to amend chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," by inserting therein after section two hundred and seventy-one a new section to be known as section two hundred and seventy-one-a, and amending section two hundred and seventy-five thereof.

Became a law March 9, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 271a added to L. 1909, ch. 62.

Section 1. Chapter sixty-two of the laws of nineteen hundred and nine is hereby amended by inserting a new section therein after section two hundred and seventy-one to be known as section two hundred and seventy-one-a, as follows:

§ 271-a. **Sale of stamps.** No person, firm, company, association or corporation other than a corporation organized under the banking law of this state or under the national bank act of the United States, or a duly authorized agent of the comptroller, shall sell or expose for sale any stamp issued pursuant to this article, without first obtaining from the comptroller his written consent, except that in connection with a sale of or agreement to sell stock a broker or agent of the principal making such sale or agreement to sell may supply and affix the stamp or stamps required by this article. No person shall sell any stamp for a sum less than the face value thereof without the written consent of the comptroller. Any person violating any provision of this section shall be guilty of a misdemeanor.

§ 275 amended.

§ 2. Section two hundred and seventy-five of chapter sixty-two of the laws of nineteen hundred and nine is hereby amended to read as follows:

§ 275. **Illegal use of stamps; penalty.** Any person who shall willfully remove or alter or knowingly permit to be removed or altered the canceling or defacing marks of any stamp provided for by this article with intent to use such stamp, or who shall knowingly or willfully buy, prepare for use, use, have in his possession or suffer to be used any washed, restored or counterfeit stamp, and any person who shall intentionally remove or cause to be removed or knowingly permit to be removed any stamp,

affixed pursuant to the requirements of this article, except as hereinafter provided, shall be guilty of a misdemeanor and on conviction thereof shall be liable to a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned for not more than one year, or by both such fine and imprisonment, at the discretion of the court.[1] If any such stamp shall be affixed to any memorandum of sale with the intention of paying a tax, but delivery pursuant to such sale shall not be made in conformity with the memorandum thereof, then such stamp may be removed from such memorandum and subsequently used on some other memorandum of sale, provided that when so used there shall be attached to the memorandum, to which said stamp shall be so affixed, a written statement signed by the vendor or the agent making such sale, setting forth in detail the facts justifying such re-use.

§ 3. This act shall take effect immediately.

Chap. 13.

AN ACT to legalize the proceedings of the city of Gloversville, leading up to and including its issuance and sale of bonds of said city in the amount of seventy-five thousand dollars for completing the erection of a high school building therein, and validate the bonds already issued and sold therefor, and to provide for the payment of the principal and interest of such bonds.

Became a law March 9, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings leading up to adoption of proposition, legalized.

Section 1. All the acts and proceedings of the city of Gloversville had and done by its board of education, officers, agents and qualified voters, leading up to and including the special election held therein on the tenth day of September, nineteen hundred and seven, relative to the submission and adoption of a proposition for completing the erection therein at the expense of the city of a

[1] Section to here materially amended. Remainder of section new.

high school building at the maximum cost of seventy-five thousand dollars, are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity, or the omission of any lawful requirement, in such acts and proceedings.

Bond issue of Mar. 22, 1908, legalized.

§ 2. All the acts and proceedings of said city of Gloversville had and done by its board of education, officers and agents, subsequent to the adoption of the aforesaid proposition, leading up to and including the issuance and sale on or about the twenty-third day of March, nineteen hundred and eight, of the bonds of said city, in the aggregate amount of fifty thousand dollars, for the purpose of obtaining a portion of the sum authorized to be so expended and required to complete the erection of the said high school building, and consisting of fifty bonds of the denomination of one thousand dollars each, numbered twenty-six to seventy-five, inclusive, dated as of March second, nineteen hundred and eight, three of which bonds numbered twenty-six, twenty-seven and twenty-eight were made to mature and be payable September second, nineteen hundred and sixteen, and five bonds bearing the next highest numbers, consecutively, to mature and be payable on September second in each successive year until and including the year nineteen hundred and twenty-five, and two bonds numbered seventy-four and seventy-five to mature and be payable on September second, nineteen hundred and twenty-six, are each and all hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity, or the omission of any lawful requirement, in any of such acts and proceedings, and said bonds are hereby declared to be valid and binding obligations of said city.

Bonds validated.

Bond issue of Jan. 5, 1909, legalized.

§ 3. All the acts and proceedings of said city, had and done by its board of education, officers and agents, subsequent to the adoption of the aforesaid proposition, leading up to and including the issuance and sale on or about the fifth day of January, nineteen hundred and nine, of the bonds of said city, in the aggregate amount of twenty-five thousand dollars, for the purpose of obtaining the remaining sum authorized to be so expended and required to complete the erection of the said high school building, and consisting of twenty-five bonds of the denomination of one thousand dollars each, numbered seventy-six to one hundred, inclusive, dated as of January fifth, nineteen hundred and nine, three of which bonds numbered seventy-six, seventy-seven and seventy-eight were made to mature and be payable September first, nineteen hundred and twenty-six, and five bonds bearing the next highest numbers, consecutively, to mature and be payable on September first in each

successive year until and including the year nineteen hundred and thirty, and two bonds numbered ninety-nine and one hundred to mature and be payable on September first, nineteen hundred and thirty-one, are each and all hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity, or the omission of any lawful requirement, in any of such acts and proceedings, and said bonds are hereby declared to be valid and binding obligations of said city. Bonds validated

§ 4. The board of education of said city shall cause to be raised annually by tax, in the manner provided by law, such sums as may be necessary to pay the interest and principal of said bonds as the same shall become due, until such interest and principal is fully paid. Tax for payment.

§ 5. This act shall not affect any action or proceeding pending at the time this act shall take effect. Pending actions.

§ 6. This act shall take effect immediately.

Chap. 14.

AN ACT to amend the executive law in relation to the expenses incurred by the attorney-general in attending at any term of the supreme court or appearing before the grand jury thereof.

Became a law March 14, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section sixty-two, chapter twenty-three of the laws of nineteen hundred and nine, entitled "An act in relation to executive officers, constituting chapter eighteen of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 23, § 62, subd. 2, amended.

2. Whenever required by the governor, attend in person, or by one of his deputies, any term of the supreme court or appear before the grand jury thereof for the purpose of managing and conducting in such court or before such jury such criminal actions or proceedings as shall be specified in such requirement; in which case the attorney-general or his deputy so attending shall exercise all the powers and perform all the duties in respect of such actions or proceedings, which the district attorney would otherwise

be authorized or required to exercise or perform; and in any of such actions or proceedings the district attorney shall only exercise such powers and perform such duties as are required of him by the attorney-general or the deputy attorney-general so attending. [1]In all such cases all expenses incurred by the attorney-general, including the salary or other compensation of all deputies employed, shall be a county charge.

§ 2. This act shall take effect immediately.

Chap. 15.

AN ACT to incorporate the American-Scandinavian foundation.

Became a law March 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

Section 1. Louis S. Amonson, Samuel T. Dutton, Charles S. Haight, Oscar H. Haugan, Hamilton Holt, William Hovgaard, Alexander E. Johnson, Carl Lorentzen, Frederick Lynch, Arthur H. Palmer, Seward Prosser, Christian Ravn, William H. Schofield, Charles A. Smith, William H. Short, together with such persons as they may associate with themselves and their successors, are hereby constituted a body corporate by the name of the American-Scandinavian Foundation, for the purpose of receiving and maintaining a fund or funds and applying the income thereof for the purpose of maintaining an exchange of students and teachers, and for supporting all other forms of educational intercourse between the United States of America, Denmark, Norway and Sweden, to do and perform all things necessary to encourage and uphold by any means the objects of the said foundation which from time to time shall seem expedient to its trustees, thereby, first, cultivating closer relations between the Scandinavian countries and the United States of America, and second, strengthening the friendly bonds between the American Scandinavians.

Corporate name.

Purposes.

Corporate powers as to property.

§ 2. The corporation hereby formed shall have power to take and hold by bequest, devise, gift, purchase or lease, any property,

[1] Following sentence new.

real or personal, without limitation as to amount or value, except such limitations, if any, as the legislature shall hereinafter impose, to convey such property and to invest and re-invest any principal and deal with and expend the income of the corporation in such manner as in the judgment of its trustees will best promote its objects. It shall have all the power and be subject to all the restrictions which now pertain by law to membership corporations so far as the same are applicable thereto and are not inconsistent with the provisions of this act. Application of laws relating to membership corporations.

§ 3. The persons named in the first section of this act shall constitute the first board of trustees and constitute the members of the said corporation, and shall have the direction and management of the affairs of the corporation and the control and disposition of its property and funds, and said persons before mentioned or a majority of them shall hold a meeting and organize the corporation and have full power to adopt a constitution and by-laws not inconsistent with the constitution and laws of this state. The constitution shall prescribe the qualifications, manner of selection, and the number of trustees to be appointed, the number of trustees who shall constitute a quorum for the transaction of the business at the meeting of the corporation, the qualifications, manner of selection of such officers and employees as may be deemed necessary in transacting the business affairs of the corporation and any other provisions for the management and disposition of the property and regulation of the affairs of the corporation which may be found necessary to best carry out the objects and purposes of the donor. Trustees. Organization. Constitution and by-laws.

§ 4. This act shall take effect immediately.

Chap. 16.

AN ACT to incorporate the American Jewish Committee.

Became a law March 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Mayer Sulzberger, Julian W. Mack, Jacob H. Hollander, Julius Rosenwald, Cyrus Adler, Harry Cutler, Samuel Dorf, Judah L. Magnes, Jacob H. Schiff, Isidor Sobel, Cyrus L. Corporators.

Sulzberger, A. Leo Weil, and Louis Marshall, and their associates and successors, are hereby constituted a body corporate, in perpetuity, under the name of the American Jewish Committee; and by that name shall possess all of the powers which by the general corporation law are conferred upon corporations, and shall be capable of taking, holding and acquiring, by deed, gift, purchase, bequest, devise, or by judicial order or decree, any estate, real or personal, in trust or otherwise, which shall be necessary or useful for the uses and purposes of the corporation, to the amount of three millions of dollars.

Corporate name and powers.

Objects.

§ 2. The objects of this corporation shall be, to prevent the infraction of the civil and religious rights of Jews, in any part of the world; to render all lawful assistance and to take appropriate remedial action in the event of threatened or actual invasion or restriction of such rights, or of unfavorable discrimination with respect thereto; to secure for Jews equality of economic, social and educational opportunity; to alleviate the consequences of persecution and to afford relief from calamities affecting Jews, wherever they may occur; and to compass these ends to administer any relief fund which shall come into its possession or which may be received by it, in trust or otherwise, for any of the aforesaid objects or for purposes comprehended therein.

Executive committee.

§ 3. The business and affairs of said corporation shall be conducted by a board of not less than thirteen or more than twenty-one, to be known as the executive committee, and the persons named in the first section of this act, as incorporators, shall constitute the first executive committee of said corporation. At the first meeting of said executive committee held after the passage of this act, the members thereof shall be divided into three classes, the first of which shall hold office until January first, nineteen hundred and twelve, the second for one year thereafter, and the third for two years thereafter, and such members of said executive committee as may be thereafter added to said committee shall in like manner be apportioned to said three classes. At the expiration of the term of any member of the executive committee his successor shall be elected for the term of three years. All vacancies which may occur in said committee shall be filled until the ensuing election by said committee. An annual election for the members of said executive committee shall be held at such time and in such manner as shall be fixed by the by-laws to be adopted by said executive committee. At all meetings of the executive

Annual election.

Quorum.

committee one-third of said committee shall constitute a quorum for the transaction of business, but no by-law shall be adopted, amended or repealed without the presence of a majority of the members of said committee for the time being; provided, however, that the by-laws with respect to membership in the corporation shall not be altered, revised or amended except as provided in section four of this act. By-laws, how adopted, amended or repealed.

§ 4. The members of said corporation shall consist of the persons who shall be designated and chosen for membership by such method or methods and by such organizations, societies and nominating bodies as shall be provided in by-laws to be adopted for that purpose by the executive committee, such by-laws being however subject to alteration, revision or amendment at any regular meeting of the members of the corporation or at a meeting called for such purpose; provided that thirty days notice be given of the proposed change and that such alteration, revision or amendment shall be carried by a majority of at least twenty votes; and not otherwise. Members of corporation, how chosen.

§ 5. This act shall take effect immediately.

Chap. 17.

AN ACT to incorporate Arnot Art Gallery.

Became a law March 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Fanny Arnot Whitney, James B. Rathbone, Casper G. Decker, Ray Tompkins, Burton S. Chamberlin, Eugene Diven, Frederick Collin, William T. Henry and Edward J. Dunn, and their successors, are hereby constituted and created a body corporate and politic under the name and title "Arnot Art Gallery," and by that name may and shall have succession and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, proceedings, matters and causes, and may have and use a common seal and change and alter the same. Corporators. Corporate name and powers.

Corporate powers as to property.

§ 2. The said corporation shall have the power and capacity to demand, recover, accept and receive all the property, real and personal, devised or bequeathed to it under and by virtue of the last will and testament of Matthias H. Arnot, or which shall be conveyed or transferred to, or in any manner bestowed upon it by the executors or trustees of said last will and testament, by virtue of the powers conferred upon them thereby. The said corporation shall have power and capacity generally to purchase and take by gift, grant, devise or bequest and hold property, real, personal and of whatsoever nature, for the uses and purposes of said corporation.

Purposes.

§ 3. The said corporation shall accept, receive and maintain all the property given it by the said last will and testament of Matthias H. Arnot. The purposes and objects of said corporation are under the said last will and testament and hereunder to receive, maintain, perpetuate and add to, in the city of Elmira, in the county of Chemung, and state of New York, and at the residence of said Matthias H. Arnot while living, the collection of objects of art, the books and the property bequeathed to said corporation by said last will and testament, to establish, maintain and add to a gallery and museum of objects of educational, artistic, historic or literary character and value, to establish, maintain and add to a reference library and reading room, to all of which the public shall have, under reasonable rules and regulations, free access, to encourage and develop the study of the fine arts and kindred subjects and advance the general knowledge thereof and to that end to furnish free popular instruction in relation thereto; to fulfill the purposes of said corporation as stated in said last will and testament.

Trustees.

§ 4. The affairs of said corporation shall be conducted by a board of trustees to consist of the persons named in the first section of this act and their successors. Any vacancy which may at any time occur in said board through death, resignation or otherwise, shall be filled by the remaining trustees. Said board of trustees shall have the power to appoint a president, vice-president, secretary and treasurer and such other officers as said board may deem necessary in the manner, at the time and for the term to be prescribed by the by-laws. Said trustees shall have power to make by-laws and to alter the same, to appoint or employ and discharge agents, or subordinates, to fix their compensation and to make all rules and regulations deemed needful by them, but no officer, member or employee of said corporation shall receive or be law-

Powers.

fully entitled to receive any pecuniary profit from the operations thereof, except employees thereof may receive reasonable compensation for services in effecting one or more of the purposes thereof. A majority of all the trustees shall constitute a quorum for the transaction of business.

Application of general corporation law.

§ 5. The said corporation shall possess the general powers and be subject to the general restrictions and provisions prescribed by the general corporation law, except as otherwise provided by this act.

§ 6. This act shall take effect immediately.

Chap. 18.

AN ACT to establish the office of receiver of taxes of the town of Babylon, in the county of Suffolk, defining the powers and duties of the receiver and fixing his compensation.

Became a law March 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Collector of taxes abolished.

Section 1. The office of collector of taxes in the town of Babylon, in the county of Suffolk, shall cease from and after the expiration of the term of the present collector of taxes, and the office of collector of taxes in said town is hereby abolished.

Receiver of taxes to be elected.

At the biennial town meeting held next prior to the expiration of the term of the present collector of taxes there shall be elected a receiver of taxes, who shall hold office for the term of two years from the date of the expiration of the term of said collector. His successor in office shall be elected at each succeeding town meeting and for a like term.

Vacancies.

In case a vacancy in such office shall occur by death, resignation or removal from the office or from the town, such vacancy shall be filled in the manner provided by the town law.[1]

Bond of receiver of taxes.

§ 2. The said receiver of taxes shall, before entering upon the duties of his office, execute to the supervisor of the town of Babylon a bond with sufficient sureties and in such penalty, not less than thirty thousand dollars as the supervisor of the town shall direct, and the sureties shall severally justify, under oath, to be

[1] L. 1909, ch. 63. See § 130.

indorsed on the said bonds, in the sum which together shall constitute at least double the amount of the penalty of the said bond and shall be such sureties as the supervisor of the town may approve. And the said receiver shall receive for his services the sum of two per centum of the amount of taxes received by him in any year, to be paid in the same manner as other town officers are now by law paid in such town, and such compensation shall be in lieu of all fees and perquisites except for serving notices as hereinafter provided.

Compensation.

Delivery of assessment roll to; warrant of collection.

§ 3. The board of supervisors of Suffolk county shall deliver to the said receiver of taxes the assessment-roll of said town with taxes apportioned thereon with a warrant of collection annexed or subjoined thereto under the seal of the county, signed by the chairman and clerk of the board, commanding said receiver to collect from the several persons named in such roll the several sums mentioned in the last column thereof opposite their respective names on or before the fifteenth day of December in each year, and shall require all payments specified in such warrant to be made on or before the thirty-first day of May then next ensuing in each and every year, and further commanding him to pay over within five days after the expiration of every thirty days from the date when he shall first attend for the receipt of taxes all moneys so collected appearing on said roll.

To retain warrants and assessment-rolls.

§ 4. It shall be the special duty of the said receiver of taxes to personally retain in his possession at the office of the town clerk, wherever the same may be located in the town of Babylon, but not elsewhere, the warrants and assessment-rolls which shall from time to time be delivered to him by the supervisors of Suffolk county, and to receive all taxes which may be paid at the said office in the manner hereinafter provided.

To receive taxes.

Notice of taxes payable.

§ 5. The said receiver of taxes shall within one week after receiving from the board of supervisors his warrant for the collection of taxes or assessments give notice in at least two newspapers in said town and by posting notices in at least three conspicuous places in each election district of said town stating when such taxes or assessments are payable at his office and also the percentage to be added from time to time if not so paid within one month from the date of his warrant.

Taxes when receivable.

§ 6. It shall be the duty of said receiver of taxes and assessments to be in attendance at his office to receive such taxes or assessments and to give proper receipts therefor during the first

sixty days from the time of giving the above-mentioned notice on every day, Sundays and holidays excepted, from nine o'clock in the morning to four o'clock in the afternoon, and thereafter during every week on not less than two days for at least six hours each day, such days and times to be stated in the above-mentioned notice. He shall also use due diligence to serve within two weeks after the expiration of the first forty-four days a written or printed notice, by mail or otherwise, on every person whose residence or post-office address is known to him, whose tax or assessment shall then remain unpaid, specifying the amount of the taxes and the extra percentage and interest to be added, and he shall be entitled to add twenty-five cents for every such notice, together with the necessary postage on said notice, to the tax of every person paying such tax to him after the notice.

Notice of unpaid taxes.

§ 7. No percentage shall be added to any tax or assessment paid within the first thirty days from the date of attendance specified in the notice to be published and posted as required by law by the receiver of taxes; two per centum shall be added to all taxes and assessments paid during the second thirty days and five per centum shall be added to all taxes and assessments thereafter until such taxes be paid up to the date the said receiver shall make his return to the county treasurer; from and after the time when such return shall be made interest at the rate of seven per centum per annum shall be added to all taxes and assessments and including the percentage to be calculated from said date of return, then unpaid; the percentage herein to apply to every dollar or fractional part thereof. The said receiver shall make his return to the county treasurer of all taxes or assessments remaining unpaid on the said thirty-first day of May between the thirty-first day of May and the twentieth day of June in each year.

Percentages added to unpaid taxes.

Interest added.

Return of unpaid taxes.

§ 8. Except as herein provided the provisions of the tax law and the town law shall apply to the collection of taxes in said town of Babylon.

Tax and town laws to apply.

§ 9. This act shall take effect immediately.

Chap. 19.

AN ACT providing for the installing of an elevator in the state armory in Elmira for the use of the several posts of the Grand Army of the Republic occupying the third story of said armory, pursuant to chapter two hundred and eighty-three, laws of eighteen hundred and eighty-seven, and making an appropriation therefor.

Became a law March 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of three thousand dollars ($3,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of installing an elevator in the state armory at Elmira, for the use of the members of the several posts of the Grand Army of the Republic who now occupy the third story of said armory, in compliance with chapter two hundred and eighty-three of the laws of eighteen hundred and eighty-seven, to be expended under the direction of the armory commission of the state for the purpose herein provided.

§ 2. This act shall take effect immediately.

Chap. 20.

AN ACT to amend chapter seven hundred and sixty of the laws of eighteen hundred and sixty-six, entitled "An act to establish and incorporate the Drew Seminary and Female College," in relation to providing for changing the number of trustees.

Became a law March 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 2a added to L. 1866, ch. 760.

Section 1. Chapter seven hundred and sixty of the laws of eighteen hundred and sixty-six, entitled "An act to establish and incorporate the Drew Seminary and Female College," is hereby

amended by inserting therein, after section three thereof, a new section, to be known as section three-a, to read as follows:

§ 3-a. The Methodist Episcopal Conference, hereinafter named, may, at any regular meeting or session of said conference, adopt a resolution increasing or diminishing the number of trustees of said corporation and said board of trustees shall thereafter consist of the number to be designated by said conference, but no such resolution shall change the above provisions concerning a quorum or the execution of contracts nor the purchase or sale of real estate. Whenever the number of trustees shall be increased, the said conference shall proceed to elect the necessary additional number of trustees to fill said board and shall designate the date upon which their terms of office shall respectively expire, and thereafter the vacancy which occurs from the expiration of said terms shall be filled in the manner hereinafter provided with regard to the successors of the original trustees, but not more than one-half of the number of trustees shall, at any time, be clergymen. Whenever the number of trustees shall be diminished, the reduction shall be made equally from each class hereinafter provided for, as their terms shall respectively expire.

Change of number of trustees authorized.

Additional trustees.

Reduction of number of trustees.

§ 2. This act shall take effect immediately.

Chap. 21.

AN ACT to amend chapter one hundred and seventy-six of the laws of nineteen hundred and five, entitled "An act relating to the paving and grading of streets and highways in the city of Mount Vernon, and authorizing such city to raise money therefor by the issue of bonds."

Became a law March 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter one hundred and seventy-six of the laws of nineteen hundred and five, entitled "An act relating to the paving and grading of streets and highways in the city of Mount Vernon, and authorizing such city to raise money

L. 1905, ch. 176, § 1, as amended by L. 1907, ch. 51, amended.

therefor by the issue of bonds, as amended by chapter fifty-one of the laws of nineteen hundred and seven," is hereby amended so as to read as follows:

Bond issue for paving streets.

§ 1. The common council of the city of Mount Vernon is hereby authorized and empowered, by resolution adopted by it, to issue and sell bonds in the name, in behalf and upon the credit of said city, in an amount not exceeding in the aggregate under this act two hundred thousand dollars,[1] not more than forty thousand dollars of which shall be issued in any one year, for the purpose of paying one-third of the cost of paving or grading such streets of the city as may be directed by the common council.

§ 2. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 22.

AN ACT to amend chapter three hundred and fifty-six of the laws of nineteen hundred and seven, as amended by chapter one hundred and seven of the laws of nineteen hundred and nine, entitled "An act to provide for the construction of intercepting sewers in and for the city of Syracuse, in relation to the issue and payment of bonds." *

Became a law March 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1907, ch. 356, § 11, as amended by L. 1909, ch. 107, amended.

Section 1. Section eleven of chapter three hundred and fifty-six of the laws of nineteen hundred and seven, as amended by chapter one hundred and seven of the laws of nineteen hundred and nine, entitled "An act to provide for the construction of intercepting sewers in and for the city of Syracuse," is hereby further amended so as to read as follows:

Bond issues.

§ 11. Whenever such board shall consider it necessary that any bonds of the city of Syracuse shall be issued for the purposes of

* So in original.

[1] Formerly $100,000.

this act, it shall certify to the mayor and common council of the city the amount so desired and the purpose or purposes for which required, whereupon it shall be the duty of the common council and the mayor, by ordinance duly adopted, which shall be duly approved by the board of estimate and apportionment of the city, to cause registered or coupon bonds of the city for the amount so certified to be issued in the name and upon the credit of the city of Syracuse, which shall be signed by the mayor and treasurer under the corporate seal of the city and countersigned by the comptroller thereof. Provided, however, that the aggregate amount of bonds issued under the provisions of this act shall not in any event exceed the sum of one million one hundred thousand dollars,[1] and any bonds so issued shall be payable in twenty equal annual payments, and the first payment of any such issue shall be made one year after[2] the date of issue; and all such bonds shall bear interest at a rate to be determined by such board not exceeding four and one-half per centum per annum, payable semi-annually. The comptroller of the city shall duly advertise for proposals for the purchase of any bonds so issued and shall sell them to the party or parties offering to pay the highest price therefor, but not less than par; and the comptroller may reject all bids and readvertise, if, in his opinion, the price offered is inadequate. Such bonds when so sold and delivered shall become valid obligations of the city of Syracuse, and the faith and credit of the city is hereby pledged for the payment thereof and the interest thereon. The avails thereof and all interest which may accrue thereon shall be placed by said comptroller in such bank or trust company as shall be designated by the board of estimate and apportionment of the city to the credit of the city of Syracuse intercepting sewer fund. No part of such moneys shall be paid out, except upon the written order of the Syracuse intercepting sewer board, signed by the chairman thereof and countersigned by said comptroller and city treasurer. No order for the payment of such moneys shall be issued, except upon resolution of such board duly entered upon its minutes, a certified copy whereof shall be filed with the comptroller of the city. The voucher or other paper on account of which such order is issued shall be filed with the secretary of the board and shall bear a number corresponding with the number of the order issued

Intercepting sewer fund.

Payments from fund.

[1] Formerly $750,000.

[2] Words "one year after" substituted for words "on the first day of July next succeeding."

Transfer of funds.

thereon. The board may, however, at any time by resolution transfer any funds from any bank or trust company to any other bank or trust company which shall have been approved by such board of estimate and apportionment as depositories of the funds of the Syracuse intercepting sewer board. The funds so transferred and all interest accruing thereon shall be held or paid out by such bank or banks or trust company only in the manner above provided. Upon the passage of any ordinance authorizing an issue of bonds under this act, the city clerk shall forthwith transmit a certified copy thereof to the secretary of such board. Upon the sale of any such bonds, the comptroller of the city shall forthwith transmit to the secretary of such board a statement showing the amount of bonds sold and the amount realized thereon, and shall also furnish to the city clerk a detailed statement showing the date, number and denomination of each bond sold and the price realized, the name of the purchaser and the expenses of such sale.

Notice to board and city clerk of bond issue.

§ 2. This act shall take effect immediately.

Chap. 23.

AN ACT to amend chapter four hundred and thirty-one of the laws of nineteen hundred and nine, entitled "An act to establish a public school teachers' retirement fund in Westchester county," in relation to the sources of said fund, payments into and from the same, persons entitled to annuities and other moneys payable therefrom and the amount of any such annuity.

Became a law March 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 431, §§ 2-4 amended.

Section 1. Sections two, three and four of chapter four hundred and thirty-one of the laws of nineteen hundred and nine, entitled "An act to establish a public school teachers' retirement fund in Westchester county," are hereby amended to read, respectively, as follows:

Supervisors may provide for an-

§ 2. The board of supervisors of such county may provide by resolution annually for the payment into the said teachers' retire-

ment fund of a sum not exceeding the amount annually contributed to such fund as provided in subdivision "c" of[1] section one of this act. Whenever such provision is made the board of supervisors shall assess the amount to be paid into such fund upon the several towns and cities in the county not maintaining a separate teachers' pension system ratably according to the corrected valuations of real and personal property liable to taxation in such towns and cities. The amount so assessed shall be a charge upon such towns and cities and shall be paid by the proper officer to the county treasurer to be held by him as a part of the said teachers' retirement fund.

Annual payment to fund.

Assessment thereof.

§ 3. The treasurer of said county shall be the custodian of the funds and treasurer of the association. All orders made payable from said fund shall be made upon vote of a majority of the board of trustees, and said orders shall be signed by the president and secretary[2] of said board. The treasurer shall, upon direction of the board of trustees, invest for the benefit of the retirement fund, all moneys not necessary for the payment of annuities. Such investment shall be made only in securities in which the savings banks of the state of New York are authorized by law to invest. Such treasurer shall report to the board annually in the month of October the condition and disposition of the funds, and the items of receipts and disbursement during the year ending on the first of August preceding. Boards of education and school trustees, in making payrolls for November and March in each year, for superintendents, supervisors, principals and teachers hereinbefore mentioned, shall deduct from the salaries payable for each of the said months, to each of the persons named who shall be members of the association, the sum of one-half of one per centum of his or her annual[3] salary. Such boards of education or school trustees shall thereupon issue a certificate to the treasurer, stating the total sum so deducted. Such amount so deducted shall be paid into the retirement fund and duly credited thereto by the treasurer.

Custodian and treasurer.

Payment of orders.

Investments.

Annual financial report.

Deductions from salaries.

§ 4. A board of education or school trustee shall have power to retire from service any superintendent, supervisor, principal or teacher who shall have served in the public schools, in said capacity or capacities, for a period of twenty-five years, but no person so retired shall become an annuitant under this act unless

Conditions of retirement.

[1] Words "subdivision "c" of," new.
[2] Secretary substituted for treasurer.
[3] Word "annual" new.

the last[4] ten years of such service shall have been rendered in the public schools of Westchester county, and unless he or she shall have come under the provisions of this act as herein provided; or such superintendent, supervisor, principal or teacher may request retirement if entitled to an annuity. Annuities paid in pursuance of this act shall be one-half of the annual[3] salary of the annuitant at the time of retirement from service, except that no annuity shall exceed six hundred dollars[5] other than that of superintendent or principal, whose annuity shall not exceed eight hundred dollars;[6] but if the moneys in the fund, and the receipts of said fund shall be found insufficient to fully carry out the provisions hereinbefore set forth, the board of trustees shall then determine the pro rate* amount which in its judgment each annuitant shall receive in any year, and such amount shall be deemed full payment for the annuity for that year. If, at any time, a superintendent, supervisor, principal or teacher belonging to the association shall be refused re-employment by a board of education or school trustee, or shall be discharged before he or she would become an annuitant under the provisions of this act, then such person shall be entitled to receive from the treasurer, without interest, a sum equal to the total deductions from his or her salary in pursuance of this act. No person shall become an annuitant who has not contributed to the retirement fund an amount equal to at least twenty per centum of his or her [7]annuity; but any such person otherwise qualified may become an annuitant by making a cash payment to the fund before receiving an annuity, of such an amount as his previous contributions may have fallen short of the required twenty per centum. A proportionate annuity may be allowed in case of disability after fifteen years' teaching service, provided the last[8] six years of such service have been in Westchester county.

Amount of annuities.

Refund of deductions when not re-employed.

Amount required to be contributed.

Proportionate annuities.

§ 2. This act shall take effect immediately.

* So in original.

4 Words "the last" new.

5 Word "annually" omitted.

6 Words "other than that of superintendent or principal, whose annuity shall not exceed eight hundred dollars," new.

7 Word "annual" omitted.

8 Words "the last" new.

Chap. 24.

AN ACT to amend section four hundred and forty-seven of the code of civil procedure, as to defendants, where the people of the state are made party defendant.

Became a law March 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and forty-seven of the code of civil procedure is hereby amended to read as follows: § 447 amended.

§ 447. **Idem; as defendants.**[1] Any person may be made a defendant who has or claims an interest in the controversy adverse to the plaintiff or who is a necessary party defendant for the complete determination or settlement of a question involved therein, except as otherwise expressly prescribed in this act. In any action brought affecting real estate upon which the people of the state of New York have or claim to have a lien under the transfer tax act,[2] the said people of the state of New York may be made a party defendant in the same manner as a private person, [3]but where the people of the state of New York are made a party defendant, as herein provided, the complaint shall set forth, in addition to the matters required to be set forth by the code of civil procedure, the name or names of the decedent or decedents against whose estate there is an unpaid transfer tax, the place of residence of decedent at the time of death, the heirs at law and next of kin of decedent and if decedent left none that fact shall be stated, whether decedent died testate or intestate, and whether the estate of decedent has been administered, and if so where; and if not administered, such facts shall be stated; and also that the people of the state of New York are made a party defendant for no other reason than the lien of said transfer tax. [4]Upon failure to state such facts, the complaint shall be dismissed as to the people of the state of New York. In such a case the summons must be served on the attorney-general, who may appear in behalf of the people.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

[1] Section heading new.
[2] See tax law (L. 1909, ch. 62), art. 10.
[3] Remainder of sentence new.
[4] Following sentence new.

Chap. 25.

AN ACT to amend section sixteen hundred and twenty-seven of the code of civil procedure, when people of state is made party, in action to foreclose mortgage.

Became a law March 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1627 amended.

Section 1. Section sixteen hundred and twenty-seven of the code of civil procedure is hereby amended to read as follows:

§ 1627. **Person liable for mortgage debt may be made defendant.**[1] 1. Any person who is liable to the plaintiff for the payment of the debt secured by the mortgage may be made a defendant in the action; and if he has appeared or has been personally served with the summons, the final judgment may award payment by him of the residue of the debt remaining unsatisfied, after a sale of the mortgaged property, and the application of the proceeds, pursuant to the directions contained therein.

2. The people of the state of New York may be made a party defendant to an action for the foreclosure of a mortgage on real property, where the people of the state of New York have an interest in or a lien on the said real property subsequent to the lien of the mortgage sought to be foreclosed in said action, in the same manner as a private person. In such a case the summons must be served upon the attorney-general, who must appear in behalf of the people, [2]but where the people of the state of New York are made a party defendant, as herein provided, the complaint shall set forth, in addition to the other matters required to be set forth by the code of civil procedure detailed facts showing the particular nature of the interest in or the lien on the said real property of the people of the state of New York, and the reason for making the people a party defendant. Upon failure to state such facts, the complaint shall be dismissed as to the people of the state of New York.

In effect Sept 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

1 Section heading new.
2 Remainder of section new.

Chap. 26.

AN ACT to amend section fifteen hundred and ninety-four of the code of civil procedure, when the state is interested as party defendant.

Became a law March 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen hundred and ninety-four of the code of civil procedure is hereby amended to read as follows: § 1594 amended.

§ 1594. **When the state is interested.**[1] The people of the state may be made a party defendant to an action for the partition of real property, in the same manner as a private person. In such a case, the summons must be served upon the attorney-general, who must appear in behalf of the people, [2]but where the people of the state of New York are made a party defendant, as herein provided, the complaint shall set forth, in addition to the other matters required to be set forth by the code of civil procedure detailed facts showing the nature and extent of the interest in or lien on the said real property of the people of the state of New York and the reason for making the people a party. Upon failure to state such facts, the complaint shall be dismissed, as to the people of the state of New York.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

[1] Section heading new.
[2] Remainder of section new.

Chap. 27.

AN ACT to amend chapter three hundred and eighty-five of the laws of nineteen hundred and ten, entitled "An act to authorize the city of Cohoes to borrow money for the purpose of better equipping its fire department, and to issue and sell its bonds for the money so borrowed, and to provide for raising money by taxation in said city for the redemption of said bonds and the payment of interest thereon," in relation to the rate of interest on bonds to be issued thereunder, authorizing the common council to amend a resolution heretofore passed in respect to the rate of such interest, and ratifying and confirming the action of the city, its common council, officers and agents in respect to proceedings leading up to and including the passage of such resolution.

Became a law March 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1910, ch. 385, § 2 amended.

Section 1. Section two of chapter three hundred and eighty-five of the laws of nineteen hundred and ten, entitled "An act to authorize the city of Cohoes to borrow money for the purpose of better equipping its fire department, and to issue and sell its bonds for the money so borrowed, and to provide for raising money by taxation in said city for the redemption of said bonds and the payment of interest thereon," is hereby amended to read as follows:

Adoption or modification of estimate by common council.

§ 2. The common council of said city at its first regular meeting held after the furnishing of the estimate and statement mentioned in section one of this act, or at a special meeting duly called for such purpose, shall consider such estimate and statement and may, by resolution, adopt the same as submitted to it by the board of fire commissioners, or may reduce the amounts stated therein and adopt the same as so modified. The common

Bond issue.

council shall borrow upon the faith and credit of said city of Cohoes the amount of such estimate as adopted by the common council, and shall issue the bonds of said city therefor, bearing interest at a rate not exceeding five[1] per centum per

1 Formerly "four."

annum, payable semi-annually. Said bonds shall be of the denomination of one thousand dollars each, and shall be payable at such times not exceeding twenty years, as the said common council shall determine. Said bonds shall be executed by the mayor and city clerk under the corporate seal of said city, and shall be negotiated by the chamberlain of said city, by selling the same at his office, at public auction, at not less than par value thereof. Said chamberlain shall give public notice of the time and place of any sale of said bonds by publishing a notice thereof at least fifteen days previous to such sale in such newspaper as shall be designated by the common council of said city.

Resolution authorizing bond issue may be amended as to rate of interest.

§ 2. The common council is hereby authorized to amend the resolution passed by it at a meeting thereof held on the fifth day of July, nineteen hundred and ten, to the extent of fixing the rate of interest of the bonds authorized by said resolution to be sold, pursuant to chapter three hundred and eighty-five of the laws of nineteen hundred and ten, at a rate of interest not exceeding five per centum, and after the amendment of said resolution by said common council pursuant to this act, all proceedings had and taken by the city of Cohoes, its common council, officers and agents under the power and authority conferred by chapter three hundred and eighty-five of the laws of nineteen hundred and ten, leading up to and including the passage of said resolution by said common council on said fifth day of July, nineteen hundred and ten, when amended pursuant to this act are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity, or the omission of any lawful requirement in such proceedings; but nothing in this act shall affect any action or proceeding pending in any court when this act takes effect.

Proceedings legalized.

Pending actions.

§ 3. This act shall take effect immediately.

Chap. 28.

AN ACT to amend chapter three hundred and ninety-two of the laws of nineteen hundred and two, entitled "An act to authorize the common council of the city of Cohoes to borrow money by the issuing of bonds for the improvement of the quality and quantity of the present water supply, and the procuring of an additional supply of pure and wholesome water for said city," in relation to the rate of interest on bonds to be issued thereunder, authorizing the common council to amend a resolution heretofore passed in respect to the rate of such interest, and ratifying and confirming the action of the city, its common council, board of water commissioners, officers and agents in respect to proceedings leading up to and including the passage of such resolution.

Became a law March 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1902, ch. 392, § 2 amended.

Section 1. Section two of chapter three hundred and ninety-two of the laws of nineteen hundred and two, entitled "An act to authorize the common council of the city of Cohoes to borrow money by the issuing of bonds for the improvement of the quality and quantity of the present water supply, and the procuring of an additional supply of pure and wholesome water for said city," is hereby amended to read as follows:

Bond issue authorized.

§ 2. Upon receiving said report, the common council, of said city of Cohoes, are hereby authorized and empowered to issue the bonds of said city, when required by the board of water commissioners of said city, to an amount not exceeding the sum of forty thousand dollars, which shall bear interest at a rate not exceeding five[1] per centum per annum, payable semi-annually. Said bonds shall be in addition to all other bonds authorized to be issued, and shall be payable at such times as the board of water commissioners, and the common council shall determine. Said bonds shall be registered bonds of one thousand dollars each, and shall be signed by the mayor, clerk and chamberlain of said city

Form, execution, etc., of bonds.

[1] Formerly "four."

and countersigned by the president of the board of water commissioners of said city, and shall be payable, with interest thereon, at some bank or other place in the city of New York in said bonds designated. Said bonds shall be duly registered in the office of the chamberlain. The bonds so issued shall be sold, on demand of said board of water commissioners, by the chamberlain of said city, to the highest bidder at public auction at not less than par, giving at least ten days previous notice of the time and place of sale by publication in such newspapers as may be designated by the common council; the proceeds and money received from the sale of said bonds shall be kept by said chamberlain as treasurer of said board of water commissioners, who shall credit the same, including all premium or premiums received on the sale of such bonds, and the interest received on deposit of said fund to said board, paying therefrom, upon the order of said board of water commissioners, such amounts as such board shall deem necessary and proper for the purposes set forth in section one of this act.

Sale.

Application of proceeds.

§ 2. The common council is hereby authorized to amend the resolution passed by it at a meeting thereof held on the fifth day of July, nineteen hundred and ten, to the extent of fixing the rate of interest of the bonds authorized by said resolution to be sold, pursuant to chapter three hundred and ninety-two of the laws of nineteen hundred and two, at a rate of interest not exceeding five per centum per annum, and that after the amendment of said resolution by said common council pursuant to this act, all proceedings had and taken by the city of Cohoes, its common council, board of water commissioners, officers and agents, under the power and authority conferred by chapter three hundred and ninety-two of the laws of nineteen hundred and two, leading up to and including the passage of said resolution by said common council on said fifth day of July, nineteen hundred and ten, when amended pursuant to this act, are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity, or the omission of any lawful requirement, in such proceeding, but nothing in this act shall affect any action or proceeding pending in any court when this act takes effect.

Resolution authorizing bond issue may be amended as to rate of interest.

Proceedings legalized.

Pending actions.

§ 3. This act shall take effect immediately.

Chap. 29.

AN ACT to amend the judiciary law, in relation to jurors in New York county.

Became a law March 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 35, § 610 amended.

Section 1. Section six hundred and ten of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," is hereby amended to read as follows:

§ 610. **Number of jurors to be drawn for each term of court of record.** The number of trial jurors, to be drawn for each term, and each separate part of a term, of a court of record in the county, at which issues of fact are triable by jury, must be fixed by a general order of the court, or, if it is not so fixed for a term, or a separate part of a term, by written order of the judge appointed to hold the same. The order, or a certified copy thereof, must be filed in the office of the county clerk. If the number has not been fixed, in either mode, at the time of the drawing, one hundred trial jurors must be drawn for each term, or for each part, if the term consists of two or more separate parts. [1]If a court shall sit in two or more parts jurors drawn for any term shall be interchangeable between such parts and may serve in either or any of them during such term or any part thereof.

§ 2. This act shall take effect immediately.

[1] Following sentence new.

Chap. 30.

AN ACT to legalize and validate certain bonds, for the construction and repair of bridges, of the town of Ellisburg in the county of Jefferson, in the proceedings heretofore taken for the issuance and sale thereof by the town board and legal voters of said town and the board of supervisors of Jefferson county and for the levy of a tax for the payment of the principal and interest thereof.

Became a law March 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to bond issue legalized.

Section 1. The proposition adopted by the voters of the town of Ellisburg in the county of Jefferson qualified to vote on propositions at a biennial town meeting held November second, nineteen hundred and nine, to issue bonds to the amount of twenty-five thousand dollars for the purpose of building and repairing certain bridges in said town and the proceedings theretofore and thereafter taken by the town board of said town and by the board of supervisors of Jefferson county relative to the issuance and sale of the said bonds in the amount aforesaid, are hereby in all respects legalized and validated and the said bonds in the amount of twenty-five thousand dollars of the denomination of one thousand dollars each, payable at the rate of two each year from the date of issue and bearing interest at a rate not to exceed four per centum per annum, are hereby legalized and declared to be when issued a legal and valid obligation of said town of Ellisburg. The said bonds to be of the denomination of one thousand dollars each and to bear such rate of interest as not to exceed four per centum per annum, as may be bid thereon but said bonds, in no event, shall be sold for less than par.

Bonds validated.

Denomination, etc.

Tax for payment.

§ 2. The board of supervisors of said county of Jefferson shall cause to be raised annually upon the taxable property of said town of Ellisburg such sums of money as shall be necessary to pay the installments of principal and interest on said bonds as they shall become due until said bonds and interest thereon shall be fully paid.

Pending actions.

§ 3. This act shall not affect any action or proceeding now pending in any court.

§ 4. This act shall take effect immediately.

Chap. 31.

AN ACT to authorize the city of Hudson to borrow money for street improvements, and to issue the bonds of the city therefor.

Became a law March 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bond issue authorized.

Section 1. The common council of the city of Hudson, upon service upon its clerk of an application signed by the members of the commission of public works, is hereby authorized to issue bonds of said city, to be known as street improvement bonds, to the amount of twenty-five thousand dollars, and payable at such time or times, and at such rate of interest, not to exceed four and one-half per centum per annum, and of such denominations as said common council may determine, and to sell the same in such manner as shall be deemed by the common council as likely to secure the largest attainable price for such bonds, but not less than par,

Application of proceeds.

and to deposit the proceeds of such sale, including any premiums thereon, with the city treasurer, to the credit of the commission of public works, subject to its draft, to be used by it for the purpose of street improvement other than ordinary repairs.

Tax for payment.

§ 2. The common council of said city shall raise and collect such amounts, by tax upon the taxable property of said city, as shall be sufficient to pay the principal and interest of said bonds as the same shall become due and payable, which amounts so to be levied and collected by tax shall be in addition to the amounts that are now or shall be hereafter authorized to be raised for other purposes by law.

§ 3. This act shall take effect immediately.

Chap. 32.

AN ACT to legalize, ratify and confirm the proceedings for the appointment of commissioners for the drainage of certain swamp-lands known as the "Nanuet Meadows," situated in the town of Clarkstown, county of Rockland, and to legalize, ratify and confirm certain acts and proceedings of such commissioners.

Became a law March 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appointment of and acts of commissioners, legalized.

Section 1. All acts and proceedings had and taken for the appointment of J. W. Sherwood, Albert O. Bogert and Frederick Washburn, as commissioners for the drainage of certain swamp lands known as the "Nanuet Meadows" situated in the town of Clarkstown, in the county of Rockland, and all the acts and proceedings of such commissioners leading up to, but not including, the levying and collection of assessments to pay the cost of the drainage of such swamp are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity or the omission of any lawful requirement in such acts and proceedings; and all acts and proceedings of such commissioners in levying and collecting assessments to pay the cost of drainage and for the future maintenance and enlargement of the ditches, shall be had in accordance with articles three and four of the drainage law, constituting chapter fifteen of the consolidated laws of the state of New York.

Assessments, how made.

Pending actions.

§ 2. This act shall take effect immediately, but shall not affect any action or proceeding now pending in any court.

Chap. 33.

AN ACT to authorize the board of education of union free school district number four of the town of Rye, in the county of Westchester, to issue certificates of indebtedness for unpaid school taxes, and to provide for the payment of such certificates.

Became a law March 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of certificates of indebtedness authorized.

Section 1. Whenever the collector of taxes of union free school district number four of the town of Rye, in the county of Westchester, shall make a return of unpaid school taxes of such district, as provided by chapter three hundred of the laws of eighteen hundred and ninety-seven, entitled "An act to amend chapter six hundred and ten of the laws of eighteen hundred and seventy-four, entitled 'An act to authorize the sale of lands for nonpayment of taxes, and the collection of unpaid taxes in the several towns of the county of Westchester.'" The board of education of said school district shall have power, and it is hereby authorized and empowered, when it may deem the same necessary for the payment of the current expenses of said district for any fiscal year, to borrow upon the faith and credit of said district the amount of unpaid school taxes so uncollected, and issue certificates of indebtedness therefor, which shall be binding upon said district.

Execution, form, etc., of certificates.

§ 2. The said certificates of indebtedness shall be issued in the name of the board of education of said school district, and shall be signed by the president of said board of education, and by the clerk thereof, and be under the seal of the said board of education, and shall be payable within such fiscal year or within nine months thereafter, and shall bear interest not exceeding six per centum per annum and shall be of such form and denomination as said board of education may prescribe.

Disposition of proceeds.

§ 3. The money derived from the sale of said certificates of indebtedness shall be paid to the treasurer of said school district.

Application of unpaid school taxes collected.

§ 4. All unpaid school taxes of said district that may be collected by or paid to the supervisor of the town of Rye, in said Westchester county, pursuant to the provisions of said chapter six hundred and ten of the laws of eighteen hundred and seventy-four as amended by said chapter three hundred of the laws of eighteen hundred and

ninety-seven, shall be by him paid over to the treasurer of said district, and applied by said treasurer to the payment of said certificates of indebtedness.

§ 5. If the amount of unpaid school taxes that may be collected by the supervisor shall be insufficient to pay said certificates of indebtedness, the said board of education may, and it is hereby authorized and empowered to raise the deficiency by taxation, and include the same in the amount to be raised by taxation in the said school district in the ensuing or annual tax levy, in addition to all other amounts to be raised or appropriated by the ensuing annual school meeting. Tax for payment of deficiency.

§ 6. This act shall take effect immediately.

Chap. 34.

AN ACT authorizing the fire commissioner of the city of New York to allow a pension to Marcella A. Graham, the sister of a former member of such department.

Became a law March 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The fire commissioner of the city of New York is hereby authorized in his discretion to investigate the facts in relation to the service in the fire department of the city of New York, of Michael E. C. Graham, battalion chief, who died on February fifteenth, nineteen hundred and nine, from injuries received in the discharge of his duty, and in his discretion to allow to Marcella A. Graham, the sister of said Michael E. C. Graham and who was dependent upon him solely for her support, a pension for the period of her natural life not exceeding four hundred and eighty dollars per year payable monthly from the New York fire department relief fund in the same manner as other pensions.

§ 2. This act shall take effect immediately.

Chap. 35.

AN ACT to legalize, ratify and confirm the proceedings of the village of Cherry Creek in the county of Chautauqua, in the matter of raising the sum of thirty thousand dollars for the construction of a pressure water system for said village; to legalize, ratify and confirm the sale and issuance of the bonds of said village in the amount of twenty-five thousand dollars of said sum; to authorize the sale and issuance of the bonds of said village for the balance thereof; and to provide for the payment of the interest and principal of said bonds.

Became a law March 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to raising money for construction of pressure water system, legalized.

Section 1. All the acts and proceedings taken by the village of Cherry Creek in the county of Chautauqua, through its qualified voters, board of trustees, officers and agents, leading up to and at the annual election held therein March fifteenth, nineteen hundred and ten, and leading up to and at the special election held therein August twenty-third, nineteen hundred and ten, authorizing the raising of the sum of thirty thousand dollars for the purpose of acquiring the necessary and proper land, rights of way, water rights, and the purchase of the necessary material and labor for the construction of a municipal water works system for said village in accordance with the map, plans and profiles therefor, approved by the state water supply commission, and filed in its office in the city of Albany on the seventh day of October, nineteen hundred and ten, are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity, or omission of any lawful requirement, in such acts and proceedings.

Bond issue legalized.

§ 2. All the acts and proceedings had and taken by said village through its board of trustees, officers and agents, in relation to the sale and award on the twenty-eighth day of November, nineteen hundred and ten, at a price not less than par, of the bonds of said village, in the sum of twenty-five thousand dollars, to be used toward defraying the expenses of the construction of said water system, are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity, or the omission of any lawful requirement, in such acts and proceedings; and the said bonds so

Bonds validated.

sold and awarded, consisting of twenty-five bonds of the denomination of one thousand dollars each, numbered one to twenty-five inclusive, bearing date December first, nineteen hundred and ten, payable one bond in numerical order on December first in each of the years nineteen hundred and eleven to nineteen hundred and thirty-five inclusive, bearing interest at the rate of five per centum per annum, payable semi-annually, are hereby declared to be valid obligations of said village of Cherry Creek, and the treasurer of said village is hereby directed to complete the sale of said bonds by delivering the same to the purchasers thereof at said sale, or their nominee, upon receipt of the price bid therefor. Delivery directed.

§ 3. The said village of Cherry Creek, through its board of trustees, officers and agents, is hereby authorized to sell and issue the bonds of said village in the amount of five thousand dollars, being the balance of the amount voted to be raised by the qualified voters of said village for the construction of said water system, such bonds to consist of five one thousand dollar bonds, numbered twenty-six to thirty inclusive, to be dated December first, nineteen hundred and ten, and to become due and payable one bond as consecutively numbered on December first in each of the years nineteen hundred and thirty-six to nineteen hundred and forty inclusive. Balance of bond issue authorized.

§ 4. The proper officers of said village in the manner required by law, are hereby directed to raise annually, by tax, a sum sufficient to pay the interest and principal of said bonds as the same shall become due. Tax for payment.

§ 5. In case the parties to whom said bonds were awarded shall for any reason decline to consummate the purchase thereof as above provided, the said village shall advertise and sell said bonds in the manner designated by section one hundred and twenty-nine of the village law. Resale.

§ 6. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect. Pending actions.

Chap. 36.

AN ACT to amend the state boards and commissions law, relative to notice, plans, specifications and map.

Became a law March 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 56, § 12 amended.

Section 1. Section twelve of chapter fifty-six of the laws of nineteen hundred and nine, entitled "An act in relation to state boards and commissions, constituting chapter fifty-four of the consolidated laws," is hereby amended[1] to read as follows:

§ 12. **Proceedings upon approval of petition for river improvement.** If such commission shall determine that a more beneficial flow of water in such river or water course can be had by construction of dykes, clearing out or changing the channel, the erection of a dam or dams or other public works thereon, or upon any tributary thereof, it shall cause to be made preliminary plans and specifications, of such proposed improvements, together with a survey of the lands upon which such improvements are to be located, giving the location thereof, and of all lands to be taken, flowed or damaged thereby with a description by survey or otherwise, of all rights affected thereby and estimates of the total cost thereof. The commission shall also cause a map to be made showing all such lands, the number of acres in each separate tract and the names of the owners and occupants thereof so far as the said commission can ascertain the same. The commission or the members thereof may enter upon such lands as the commission shall deem necessary for the purpose of doing such work, either by themselves or by their engineers, agents or servants employed by them for that purpose. The commission shall also prepare a statement or list of the counties, towns, cities, villages and individual properties which in its judgment will be benefited thereby, together with a statement of the proportional share of said total cost which should be borne by the said counties, towns, cities and villages respectively, and by the individual owners of property benefited collectively, expressed in decimals; and in case any part or proportion of the cost of such improvement is not properly assessable upon the counties, towns, cities, villages or individual properties,

[1] Section 12 is further amended by L. 1911, ch. 420, post. Section 12 is also expressly repealed by L. 1911, ch. 647, post, and is substantially reenacted as § 453 of said ch. 647.

or any of them, as not in the nature of a local improvement, such part or proportion of the expense shall be deducted from the total cost before apportioning the same upon the counties, towns, cities, villages, and individual properties as aforesaid, and shall be certified by the said commission to the legislature as a state charge. Such preliminary maps, plans, specifications, estimates and statements shall thereupon be filed in the office of the commission and in the county clerk's office of each county wherein is situated land to be taken or flowed by such proposed improvements[1a] and of each county in which any of the aforesaid towns, cities, villages or individual properties benefited are situated. Upon the completion and filing of such preliminary maps, plans, specifications, estimates and statements, the commission shall give notice of the filing thereof, and of the time and place where said commission will give a hearing to persons interested therein, by advertising for two successive weeks[2] in two newspapers published in each county where such improvement is proposed to be made and in the state paper published at Albany, at which time and place any person interested may appear and make any objection to or suggest any modification in said plans, maps[3] and specifications, and said commission shall have power to adjourn said hearing from time to time as justice may require. Thereupon said commission shall determine whether such proposed improvement shall be abandoned or proceeded with and what, if any, modifications should be made in such plans, maps[3], specifications, estimates and statements [4]and shall make such modifications. If said commission shall determine that said maps[5] should be modified, so as to include territory to be taken or flowed[6], not included in the maps[7] already filed, then they shall cause modified maps,[8] specifications, estimates and statements to be prepared and filed as hereinbefore provided, for said preliminary maps, plans, specifications, estimates and statements, and shall give notice of their completion and filing and of a hearing thereupon, in the manner hereinbefore prescribed for a hearing upon said preliminary maps, plans, specifications, estimates and statements. If said commission shall finally determine that the proposed im-

[1a] Words "commission and in . . . proposed improvements," new. Words "county clerk of any county benefited" omitted.
[2] Formerly read: "for five weeks."
[3] Word "maps" new.
[4] Remainder of sentence new.
[5] Words "and plans" omitted.
[6] Formerly read: "to be benefited or otherwise."
[7] Words "plans and statements" omitted.
[8] Word "plans" omitted.

provement be made, it shall thereupon make a final order directing the same to be made, and shall cause to be prepared final maps and detailed plans,[9] specifications and estimates of the total cost thereof. The commission shall cause the said final order, maps, plans, specifications and estimates or duplicates thereof, certified by them, to be filed in the office of the county clerk of each county in which lands affected or benefited thereby are located. No such improvement shall be undertaken under this article pursuant to any such final order, or any other proceedings had thereon except as hereinbefore provided, until after the said final order shall have been approved by a subsequent act of the legislature which act shall authorize and direct such improvement to be made. If so approved, the said final order shall become effectual and not otherwise.

§ 2. This act shall take effect immediately.

Chap. 37.

AN ACT to legalize the proceedings of the board of supervisors had on the twenty-eighth day of June, nineteen hundred and ten, authorizing the issue and sale of certain bonds of the county of Erie, known as Erie county good roads bonds.

Became a law March 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bond issue legalized.

Section 1. The proceedings of the board of supervisors of the county of Erie, State of New York, adopted at a regular meeting of said board held at the supervisors' chambers in the city and county hall, in the city of Buffalo, on the twenty-eighth day of June, nineteen hundred and ten, authorizing the issue and sale of the bonds of said county of Erie in the amount of two hundred and fifty thousand dollars, known as "Erie county good roads bonds," and issued pursuant to the provisions of the highway law,[1] and directing the county treasurer of Erie county and the

[9] Formerly read: "to be prepared a final map, detailed plans."
[1] L. 1909, ch. 30. See § 142 as amended by L. 1909, ch. 486 and L. 1910, ch. 580.

chairman of the board of supervisors of Erie county to execute and issue bonds for said amount to be dated and bear interest from the first day of July, nineteen hundred and ten, at four and one-quarter per centum per annum, payable semi-annually; both principal and interest to be payable at the office of the county treasurer of Erie county, city of Buffalo, and the principal of said bonds to be payable as follows:

Fifteen thousand dollars payable July first, nineteen hundred and fifteen.

Fifteen thousand dollars payable July first, nineteen hundred and sixteen.

Fifteen thousand dollars payable July first, nineteen hundred and seventeen.

Fifteen thousand dollars payable July first, nineteen hundred and eighteen.

Fifteen thousand dollars payable July first, nineteen hundred and nineteen.

Six thousand dollars payable July first, nineteen hundred and twenty.

Sixteen thousand dollars payable July first, nineteen hundred and twenty-one.

Sixteen thousand dollars payable July first, nineteen hundred and twenty-two.

Fourteen thousand five hundred dollars payable July first, nineteen hundred and twenty-three.

Seven thousand five hundred dollars payable July first, nineteen hundred and twenty-four.

Four thousand five hundred dollars payable July first, nineteen hundred and twenty-five.

Four thousand five hundred dollars payable July first, nineteen hundred and twenty-six.

Four thousand five hundred dollars payable July first, nineteen hundred and twenty-seven.

Four thousand five hundred dollars payable July first, nineteen hundred and twenty-eight.

Four thousand five hundred dollars payable July first, nineteen hundred and twenty-nine.

Four thousand five hundred dollars payable July first, nineteen hundred and thirty.

Four thousand five hundred dollars payable July first, nineteen hundred and thirty-one.

Four thousand five hundred dollars payable July first, nineteen hundred and thirty-two.

Four thousand five hundred dollars payable July first, nineteen hundred and thirty-three.

Four thousand five hundred dollars payable July first, nineteen hundred and thirty-four.

Forty-eight thousand five hundred dollars payable July first, nineteen hundred and thirty-five.

Twenty-one thousand five hundred dollars payable July first, nineteen hundred and thirty-six.

Until the same are fully paid; and every act of the said chairman of the board of supervisors of the county of Erie and of the said county treasurer are and each thereof is hereby in all respects legalized, validated and confirmed, and said bonds and each of them are hereby declared to be the legal and binding obligations of said county of Erie.

Bonds validated.

§ 2. This act to take effect immediately.

Chap. 38.

AN ACT to provide for the acquisition and preservation of the historic building known as the Schuyler mansion, situate in the city of Albany, and making an appropriation therefor.[1]

Became a law March 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners of land office may acquire.

Section 1. The commissioners of the land office may, by agreement with the owner or owners, upon such price and terms as they may deem just, not exceeding the sum of forty thousand dollars ($40,000), hereinafter appropriated, acquire title on behalf and in the name of the people of the state to the ancient historic brick building, known as the Schuyler mansion, which was occupied by Major General Philip Schuyler during his lifetime, together with the land upon which the same now stands, situated in the second ward of the city of Albany, on the west side of Clinton street in said city between Catherine street and Delaware street, and being in front on Clinton street one hundred and eighty-three feet, ten and one-quarter inches and in depth on Catherine street

[1] For act providing for management and maintenance, see L. 1911, ch. 440, post.

two hundred and forty-nine feet, five inches, be the same more or less. Said building to be preserved for the benefit of the people of the state of New York as an historic landmark and for educational and patriotic purposes.

§ 2. Upon the requisition of said commissioners of the land office, and upon a voucher or vouchers certified by said commissioners, or by such officer or officers thereof as they may designate for that purpose, in form to be approved by the comptroller, the comptroller shall pay the sum or sums that may be necessary to pay for the lands authorized to be acquired by this act. Payment for, how to be made.

§ 3. The sum of forty thousand dollars ($40,000), or so much thereof as may be necessary, payable by the treasurer out of any moneys in the treasury not otherwise appropriated, is hereby appropriated, subject to the audit of the comptroller, to carry out the provisions of this act, and the same shall be payable by the comptroller on the requisition of said commissioners of the land office. Appropriation.

§ 4. In case the commissioners of the land office cannot agree with the owner or owners of said land for the purchase thereof, the attorney-general is hereby authorized and directed to acquire title to said property by condemnation for the people of the state by proceedings taken under title one of chapter twenty-three of the code of civil procedure, known as the condemnation law, for the purposes aforesaid, which are hereby declared to be a public use. Condemnation authorized.

§ 5. This act shall take effect immediately.

Chap. 39.

AN ACT to authorize the city of Kingston to borrow money for street improvements and issue bonds therefor.

Became a law March 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Kingston is hereby authorized and empowered by resolution of its body, approved by the mayor of said city, to issue and sell bonds in the Bond issue authorized.

name of, in behalf of and upon the credit of the said city, in an amount not exceeding in the aggregate the sum of seventy thousand dollars, par value, so far as the same may be determined advisable and necessary by said common council with the approval of the mayor of said city, for the purpose of paying the expense of paving and improving certain streets in said city; and the proceeds of said bonds shall be paid into the fund known as "The Broadway Paving Fund," and applied by said common council for the object and purpose herein stated, and for no other purpose.

Application of proceeds.

Execution, form, etc. of bonds.

§ 2. Said bonds shall be issued in the name and under the seal of said city, signed by the mayor and treasurer thereof, and shall be for the sum of one thousand dollars each, and bearing such interest as the common council shall determine, not exceeding the rate of four and one-half per centum per annum, payable semi-annually on the first days of March and September. Such bonds shall be so issued that ten thousand dollars of the principal thereof shall be payable on the first day of March, nineteen hundred and twenty-three, and ten thousand dollars of the principal thereof on the first day of March of each succeeding year; the principal and interest thereof shall be payable at the office of the city treasurer of said city. The bonds shall be numbered consecutively from one hundred and twenty-six to the highest number issued and shall be known as "street improvement bonds," so that the same shall constitute a series with the bonds issued pursuant to chapter two hundred and ninety-six of the laws of nineteen hundred and nine, and be in such form as the common council shall prescribe, and they shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act; and the city clerk of said city shall keep a record in his office of the number of each bond, its date, amount, rate of interest, when payable, and the name of the purchaser or purchasers thereof.

Bonds to recite this act.

Record of bonds.

Sale.

§ 3. The city treasurer of said city shall sell and dispose of said bonds or such parts thereof as directed by the common council, from time to time, at public auction, after notice given in the official papers of said city for at least twelve days. Said bonds shall be sold for not less than par to the highest bidder.

Tax for payment.

§ 4. The common council of said city, in the manner provided in chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six[1] and acts amendatory thereof, shall cause such taxes to be levied and collected as may be necessary to pay the

[1] Charter of the city of Kingston.

principal and interest of said bonds as they shall become due, until such bonds and interest thereon are fully paid.

§ 5. This act shall take effect immediately.

Chap. 40.

AN ACT to authorize the city of Kingston to borrow money for the acquisition of a site and the construction of a building for city purposes.

Became a law March 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Kingston is hereby authorized and empowered by resolution of its body, approved by the mayor of said city, to issue and sell bonds in the name of, in behalf of and upon the credit of the said city, in an amount not exceeding in the aggregate the sum of twenty thousand dollars, par value, so far as the same may be determined advisable and necessary by said common council with the approval of the mayor of said city, for the purpose of acquiring a site and the construction of a building thereon for street department and police department purposes, or for such other city purposes as the common council shall determine; and the proceeds of said bonds shall be applied by said common council for the object and purpose herein stated, and for no other purpose. Bond issue authorized. Application of proceeds.

§ 2. Said bonds shall be issued in the name and under the seal of said city, signed by the mayor and treasurer thereof, and shall be for the sum of one thousand dollars each, and bearing such interest as the common council shall determine, not exceeding the rate of four and one-half per centum per annum, payable semi-annually on the first days of March and September. Such bonds shall be so issued that ten thousand dollars of the principal thereof shall be payable on the first day of March, nineteen hundred and seventeen, and ten thousand dollars of the principal thereof shall be payable on the first day of March, nineteen hundred and eighteen; the principal and interest thereof shall be payable at the office of the city treasurer of said city. The bonds shall be numbered con- Execution, form, etc., of bonds.

secutively from one to the highest number issued and be in such form as the common council shall prescribe, and they shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act; and the city clerk of said city shall keep a record in his office of the number of each bond, its date, amount, rate of interest, when payable, and the name of the purchaser or purchasers thereof.

Bonds to recite this act.

Record of bonds.

Sale.

§ 3. The city treasurer of said city shall sell and dispose of said bonds or such parts thereof as directed by the common council, from time to time, at public auction, after notice given in the official papers of said city for at least twelve days. Said bonds shall be sold for not less than par to the highest bidder.

Tax for payment.

§ 4. The common council of said city, in the manner provided in chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six[1] and acts amendatory thereof, shall cause such taxes to be levied and collected as may be necessary to pay the principal and interest of said bonds as they shall become due, until such bonds and interest thereon are fully paid.

§ 5. This act shall take effect immediately.

Chap. 41.

AN ACT to amend chapter fifty-six of the laws of nineteen hundred and eight, entitled "An act to authorize the city of Buffalo to issue its bonds in the sum of two million dollars for the purpose of acquiring additional park lands and lands along the water front and improving the same," authorizing the use of a part of the proceeds of the sale or sales of said bonds for improvements on park lands heretofore acquired by said city, and authorizing an increased rate of interest to be paid on such bonds.

Became a law March 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1908, ch. 56, §§ 1, 3 amended

Section 1. Sections one and three of chapter fifty-six of the laws of nineteen hundred and eight, entitled "An act to authorize the

[1] Charter of the city of Kingston.

city of Buffalo to issue its bonds in the sum of two million dollars for the purpose of acquiring additional park lands and lands along the water front and improving the same," are hereby amended so as to read as follows:

Bond issue to acquire additional park lands and improve lands acquired, authorized.

§ 1. The city of Buffalo is hereby authorized to borrow a sum not exceeding two million dollars for the purpose of acquiring additional park lands and lands along the water front and improving the same, and also for the purpose of making improvements upon lands heretofore acquired and used by said city for park purposes;[1] and to issue its bonds therefor. Such bonds shall be issued under the city seal by the mayor and comptroller, from time to time, as ordered by the common council and approved by the mayor. Such bonds shall be issued and sold in the manner provided by the charter of said city; and shall bear interest at a rate not exceeding four and one-half[2] per centum per annum, payable semi-annually at the office of the comptroller of the city of Buffalo or at the Gallatin National Bank of the city of New York, as the purchaser may elect, the principal to be payable at the same place at the end of a term of fifty years from the date of issue; provided, however, that the common council may, in its discretion, reserve in the resolution ordering the sale of said bonds, or any of them, the right to retire or recall said bonds, or any of them, at the expiration of twenty years from the date of issue.

Bonds.

Right to retire bonds.

Application of proceeds.

§ 3. The moneys borrowed as authorized by this act may be used for the *purpose of additional park lands and of lands along the water front in said city; and for improving the same, and for improving lands heretofore acquired and used by said city for park purposes,[3] or for either of said purposes.

§ 2. This act shall take effect immediately.

* So in original.

[1] Words "and also for...for park purposes," new.

[2] Words "and one-half" new.

[3] Words "and for improving lands heretofore acquired... park purposes," new.

Chap. 42.

AN ACT to amend chapter seven hundred and thirty-eight of the laws of eighteen hundred and ninety-seven, entitled "An act creating a board of assessors in and for the city of Utica, and defining its powers," relative to preparing and review of assessment-rolls.

Became a law March 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1897, ch. 738, § 9, subd. 2, as amended by L. 1903, ch. 129, amended.

Section 1. Subdivision two of section nine of chapter seven hundred and thirty-eight of the laws of eighteen hundred and ninety-seven, entitled "An act creating a board of assessors in and for the city of Utica, and defining its powers," as amended by chapter one hundred and twenty-nine of the laws of nineteen hundred and eight, is hereby further amended to read as follows:

2. **Preparing and review of assessment-rolls.**[1] In the manner provided in the tax law or other general laws of the state, relative to the listing, valuation and assessment of property for the purposes of taxation, said board shall proceed to make, correct, review, complete and verify the assessment-rolls for each ward of said city. The annual assessment of property in the city shall be made by the assessors thereof by the fifteenth day of June, and the assessment-roll shall be completed on or before the fifth day of July. Forthwith the board of assessors shall cause a notice to be posted conspicuously in public places of the city and published in the official papers, stating that they have completed the assessment-roll and that a copy thereof has been placed in the assessors' office for public inspection, and that on a day specified in said notice, not less than ten days from the completion of said roll, the board shall meet to hear and determine complaints and objections to such assessment, which day shall be known as grievance day. Upon the day so designated the board shall meet and act in conformity with said notice. Upon the completion and verification of the assessment-roll, it shall be filed, on or before the twenty-fifth day of July with the city clerk, there to remain ten days for public inspection. A

[1] Subdivision heading new.

separate assessment-roll shall be made for each ward of the city, prepared as prescribed by the tax law, except that they shall contain sixth and seventh columns. [2]The said board of assessors shall insert in the sixth column the city tax and file said roll with such city tax thereon duly verified by the assessors as prescribed by law, in the city clerk's office, and said city clerk on or before October fifteenth in each year shall deliver to the supervisor of each of the several wards in the city, the said assessment-rolls, and such supervisor shall deliver the same to the board of supervisors as the assessment-rolls of the city, and upon such rolls the board of supervisors shall insert, or cause to be inserted, in the seventh column thereof, the amount of the state and county tax, and attach thereto their warrant for the collection thereof, and the same shall thereupon be filed by the supervisor of such ward with the department of assessment and taxation of the city. It shall be the duty of each supervisor of the city to make one copy of the assessment-roll of his ward, including the tax so inserted by the board of supervisors and the warrant so attached, which copy he shall certify to be correct, and deliver the same, upon receiving the proper bond, to the treasurer, or collector, as required by law, and for such service he shall receive the compensation fixed by law. [3]The said board of assessors shall make one copy of each of said rolls containing the city tax and deliver the same to the city treasurer. Upon the hearing and determination of complaints in relation to assessments, on grievance day, or at any adjourned day, as prescribed by section thirty-six of the tax law,[4] the mayor, president of the common council[5] and chairman of the committee of the common council on legal proceedings,[6] assessments and taxation[7] are hereby authorized to meet with said assessors, and in the determination thereof shall have the same powers and authority possessed by such assessors. The board of assessors shall give notice of the time and place of such hearing, to the mayor, said president[8] and said chairman personally, at least twenty-four hours before the time fixed therefor. When reviewing and correcting such assessment-rolls, the board of assessors, the mayor, president[9] and chair-

[2] Following sentence materially amended.
[3] Following sentence new.
[4] L. 1896, ch. 908, § 36. Now superseded by consolidated tax law (L. 1909, ch. 62), § 37.
[5] Words "president of the common council" new.
[6] Words "legal proceedings" new.
[7] Words "and taxation" new.
[8] Words "said president" new.
[9] Word "president" new.

man aforesaid, may insert therein any property liable to taxation which may have been omitted, on giving personal notice to the owner or occupant thereof in writing of not less than two days to attend at the time and place therein stated, and show cause why any specified correction should not be made, and they shall also have the same powers on such hearing as are possessed by the assessors of towns. The rolls when finally completed and corrected as aforesaid, shall be verified by the board of assessors, or a majority thereof, in the form and manner required by the tax law.[10]

§ 2. This act shall take effect immediately.

Chap. 43.

AN ACT to amend chapter two hundred and twenty-two of the laws of eighteen hundred and seventy-nine, entitled "An act to consolidate the several school districts in the town of Grand Island, Erie county, and to provide for the election of a board of education therein," by adding two new sections with reference to distribution of funds.

Became a law March 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§§ 13, 14 added to L. 1879, ch. 222.

Section 1. Chapter two hundred and twenty-two of the laws of eighteen hundred and seventy-nine, entitled, "An act to consolidate the several school districts in the town of Grand Island, Erie county, and to provide for the election of a board of education therein," is hereby amended by adding two new sections to be known as sections thirteen and fourteen to read as follows:

Apportionment of district quotas.

§ 13. The commissioner of education is hereby empowered and directed, when apportioning the school monies as provided in article eighteen of the education law,[1] to apportion to the said school districts one district quota for each separate school in said district which has been taught by a qualified teacher, or by successive qualified teachers for at least one hundred and sixty days, inclusive of legal holidays that may have occurred during the term of said

[10] See consolidated tax law (L. 1909, ch. 62), § 38.

[1] L. 1909, ch. 21, as generally revised and amended by L. 1910, ch. 140.

school, exclusive of Saturdays, during the school year ending July thirty-first, nineteen hundred and ten, and each succeeding school year thereafter.

Apportionment for approved books, etc.

§ 14. The commissioner of education shall apportion annually to said school district, for each school separately maintained therein, an allowance equal to the amount raised from local sources, but not to exceed eighteen dollars annually, and two dollars additional for each duly licensed teacher employed in each such school for the legal term, for approved books, geographical maps and globe.

§ 2. This act shall take effect immediately.

Chap. 44.

AN ACT to amend chapter two hundred and sixty-eight of the laws of eighteen hundred and ninety-one, entitled "An act in relation to the office of sheriff in the county of Columbia," in relation to the salary and disbursements of the sheriff.

Became a law March 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1891, ch. 268, § 1 amended.

Section 1. Section one of chapter two hundred and sixty-eight of the laws of eighteen hundred and ninety-one, entitled "An act in relation to the office of sheriff in the county of Columbia," is hereby amended to read as follows:[1]

Sheriff's compensation.

§ 1. The sheriff of Columbia county shall receive his fees and perquisites in all civil cases in which the same are to be paid by private persons, and in addition thereto he shall receive an annual salary of three thousand dollars, to be paid quarterly by the treasurer of Columbia county, in full of all fees or other compensation from the county of Columbia, and he shall not receive from the county of Columbia any fees, compensation or perquisites of any kind or nature whatsoever, excepting only his aforesaid salary, from which he shall pay all such assistants, other than those whose salaries are herein specially provided for, as shall be proper to enable him to conveniently exercise the duties of his office, and in consideration of which he shall do and perform all duties now

Payment by him of certain assistants.

[1] Section materially amended.

or which may hereafter be imposed by law upon him without fee or reward from the county of Columbia, although the statute or law imposing such duties may provide that a fee or other compensation be paid therefor, but he shall be entitled for the transportation of juvenile delinquents and any other person whom he is required by law to transport where the cost of such transportation is made by law a county charge, the actual railroad fare of the person so transported and the person accompanying him together with the necessary expenses for hotel, bus or street car fare of such transportation. Bills for such expenses shall be presented by the sheriff, in the form and verification required by law in the case of claims presented to the board of supervisors of Columbia county and shall be audited by such board. The sheriff shall appoint a jailor who shall receive an annual salary of seven hundred and twenty dollars payable monthly by the treasurer of Columbia county to such jailor. The said jailor shall, in addition to his other duties to be prescribed by the sheriff, keep, under the supervision and direction of said sheriff, the "jailor's docket" of prisoners hereinafter mentioned and shall also assist when directed by the sheriff in the transportation of juvenile delinquents and other persons required by law to be transported. The sheriff, first deputy or jailor shall reside in the dwelling-house connected with the jail, which shall be kept in suitable repair by the county of Columbia, but shall not be furnished by the county; but the sheriff's and jailor's office shall be furnished by or at the expense of the county of Columbia. The sheriff shall appoint a first deputy sheriff who shall be employed in the sheriff's office under the direction of the sheriff, who shall receive an annual salary of nine hundred and sixty dollars, payable monthly by the treasurer of Columbia county. The sheriff shall also appoint a night watchman at the jail who shall receive an annual salary of four hundred and eighty dollars payable monthly by the county treasurer of Columbia county to said night watchman. The sheriff is hereby allowed the sum of three hundred and sixty dollars per annum, payable monthly by the county treasurer of Columbia county for the employment of a cook and other servant at the jail, and so report annually to the board of supervisors the names of the persons so employed, together with the amount paid to them respectively for the preceding fiscal year.

Allowance for transportation of persons.

Jailor: salary and duties.

Residence and office.

First deputy.

Night watchman.

Cook and other servant.

Present sheriff not affected.

§ 2. Nothing in this act shall be construed to affect the present sheriff during his term of office.

§ 3. This act shall take effect immediately.

Chap. 45.

AN ACT to amend the legislative law, in relation to the compensation of the sergeants-at-arms.

Became a law March 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter thirty-seven of the laws of nineteen hundred and nine, entitled "An act in relation to legislation, constituting chapter thirty-two of the consolidated laws," is hereby amended to read as follows:

L. 1909, ch. 37, § 10 amended.

§ 10. **Compensation of officers and employees.** The following compensation shall be paid to the officers and employees of the senate and assembly for the annual session of the legislature: To the clerk of each house three thousand five hundred dollars; to the clerk of the senate five hundred dollars and to the clerk of the assembly seven hundred and fifty dollars for indexing the journals, bills and documents of the senate and assembly; to the clerk of the senate not to exceed five hundred dollars, and to the clerk of the assembly not to exceed seven hundred and fifty dollars for the extra clerical service and engrossing; to each assistant clerk two thousand five hundred dollars; to each journal clerk two thousand five hundred dollars; to each first assistant journal clerk and to the executive clerk one thousand five hundred dollars; to each second assistant journal clerk, and to the assistant clerk to the committee on engrossed bills of the assembly, each one thousand dollars; to each deputy clerk, one thousand dollars, except the deputy clerk assigned as chief clerk of the engrossing rooms of the senate and assembly, who shall receive fifteen hundred dollars each; excepting also the deputy clerk assigned as clerk to the committee on revision in the assembly and the revision clerk of the senate who shall each receive fifteen hundred dollars; to each financial clerk, one thousand five hundred dollars; to the assistant financial clerk of the assembly, ten dollars per day; to the messenger of each of the financial clerks, five dollars per day; to each index clerk, two thousand dollars; to the first assistant index clerk of the assembly, fifteen hundred dollars; to the second assistant index clerk of the assembly and to the assistant index clerk of the senate, each one thousand dollars; to the clerk

of the president of the senate, to the clerk of the temporary president and to the speaker's clerk, each ten dollars per day; to the stenographer of the president of the senate, of the temporary president, of the speaker, of the clerk of the senate, and clerk of the assembly, and each of the stenographers appointed in addition thereto by the speaker, and the clerk of the senate, five dollars per day; to each general stenographer of the assembly three dollars per day; to each sergeant-at-arms, fifteen hundred dollars; to each[1] librarian, and postmaster, six dollars per day; to the assistant sergeant-at-arms of the senate, to each assistant librarian, assistant postmaster, principal doorkeeper, assistant doorkeeper, janitor, assistant janitor, superintendent of documents, and to each assistant superintendent of documents, superintendent of the wrapping department, assistant superintendents of the wrapping department, five dollars per day; to the stenographer of each house, two thousand five hundred dollars; to each clerk of the senate committee on finance and affairs of cities, ten dollars per day; to each clerk of the senate committees on judiciary and codes, seven dollars per day; to each clerk of the assembly committees on ways and means, and affairs of cities, ten dollars per day; to the clerk of the assembly committees on judiciary, on codes, on railroads, seven dollars per day; to each other committee clerk of each house and each general clerk of the assembly, five dollars per day; to the post-office messenger of each house, three dollars per day; to the messenger of the president of the senate, the temporary president and the speaker's messenger, each three dollars per day; to the superintendent of the wrapping department, to each assistant superintendent of the wrapping department, to the tally clerk, and the mail and document carrier of the assembly, five dollars per day; to each general messenger of each house, three dollars per day; to each clerk's messenger of each house and to each messenger of the committees of each house, three dollars per day; to each messenger having charge of the pages in the senate and assembly, five dollars per day; and to each page, two dollars per day. The pay of the officers or the employees who receive by this chapter a per diem compensation shall commence at the date of the appointment, and no person or employee shall receive any additional compensation during the term of service for which he shall be appointed.

§ 2. This act shall take effect immediately.

[1] Words "fifteen hundred dollars; to each," new.

Chap. 46.

AN ACT to authorize the board of education of the union free school of the village of Saratoga Springs to borrow money on notes to be issued by said board, for the purpose of defraying the expenses incurred in erecting a new school house in said village.

Became a law March 27, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of education of the union free school of the village of Saratoga Springs is hereby authorized to issue notes for the sum of forty-eight thousand dollars ($48,000) under its own corporate seal, bearing interest at a rate of not to exceed five per centum per annum, payable semi-annually, which notes shall be payable within fifteen years from maturity of the last note dated March first, nineteen hundred and two, given for payment on number two school in said village of Saratoga Springs at such time or times, and at such place or places as the said board of education shall direct, and shall be signed by the president and secretary of said board. Issue of notes authorized.

§ 2. The moneys raised by these notes shall be used in defraying expense already incurred and to be incurred in the erection of a new school house to be known as school number four, in said village, and shall be paid out in the same manner as other funds of said board. Application of proceeds.

§ 3. This act shall take effect immediately.

Chap. 47.

AN ACT to amend the insurance law, in relation to reorganization of existing corporations and amendment of certificates.

Became a law March 27, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-two of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to in- L. 1909, ch. 33, § 52, as

amended by L. 1910, ch. 634, amended.

surance corporations, constituting chapter twenty-eight of the consolidated laws," as amended by chapter six hundred and thirty-four of the laws of nineteen hundred and ten, is hereby further amended to read as follows:

§ 52. **Reorganization of existing corporations and amendment of certificates.** Any domestic corporation existing or doing business on October first, eighteen hundred and ninety-two, may, by a vote of a majority of its directors or trustees, accept the provisions of this chapter and amend its charter to conform with the same, upon obtaining the consent of the superintendent of insurance thereto in writing; and thereafter it shall be deemed to have been incorporated under this chapter, and every such corporation in reincorporating under this provision may for that purpose so adopt in whole or in part a new charter, in conformity herewith, and include therein any or all provisions of its existing charter, and any or all changes from its existing charter, to cover and enjoy any or all the privileges and provisions of existing laws which might be so included and enjoyed if it were originally incorporated thereunder, and it shall, upon such adoption of and after obtaining the consent, as in this section before provided, to such charter, and filing the same and the record of adoption and consent in the office of the superintendent of insurance, perpetually enjoy the same as and be such corporation, which is declared to be a continuation of such corporation which existed prior to such reincorporation; and the offices therein which shall be continued shall be filled by the respective incumbents for the periods for which they were elected, and all others shall be filled in the same manner by such amended charter provided. Every domestic insurance corporation may amend its charter or certificate of incorporation by inserting therein any statement or matter which might have been originally inserted therein and may also eliminate therefrom unnecessary words or verbiage, or any powers which have never been exercised or are not at the time being exercised, provided that proof of the non-exercise of powers, satisfactory to the superintendent of insurance, shall be filed in the insurance department, and, if any business has been written under the powers proposed to be eliminated, the fact that all liability incident to such powers has been fully terminated shall be shown to the satisfaction of such superintendent through an examination of such corporation or otherwise as he may require;[1] and may likewise amend its charter or certifi-

[1] Words "and may also eliminate therefrom . . . as he may require," new.

cate of incorporation, by inserting therein any powers which, at the time of such amendment, may have been conferred by law upon domestic insurance corporations engaged in a business of the same general character, or which might be included in the certificate of incorporation of a domestic insurance company organized under any general law of this state for a business of the same general character; and the same proceedings shall be taken upon the presentation of such amended charter or certificate to the superintendent of insurance, as are required by this chapter to be taken with respect to an original charter or certificate, except that no examination of the condition and affairs of such corporation shall be required unless so ordered by the superintendent, and if the amended charter or certificate be approved by the superintendent of insurance, and his certificate of authority to do business thereunder is granted, the corporation shall thereafter be deemed to possess the same powers and be subject to the same liabilities as if such amended charter or certificate had been its original charter or certificate of incorporation, but without prejudice to any pending action or proceeding or any rights previously accrued. Upon the reincorporation or upon the amendment of the charter of any life insurance corporation, having a capital stock, in accordance with the provisions of this section, it may by a vote of the majority of its directors confer upon its policy holders or upon such policy holders as may have a prescribed amount of insurance upon their lives the right to vote for all or any less number of the directors in such manner not inconsistent with any provision of this chapter as may be authorized by a vote of the stockholders representing at least a majority of the capital stock at a meeting of stockholders called for the purpose. Section eighteen of the stock corporation law shall not apply to such a corporation. This section shall apply to insurance corporations organized under or subject to article six of this chapter as well as to insurance corporations organized under a special act or any general law or article two of this chapter. In the case of any corporation organized under or subject to article six of this chapter, which corporation has amended its charter and is now operating under article two of this chapter, all contracts, policies and certificates issued prior to its reincorporation, shall be valued as one year term insurance at the ages attained excepting when such contracts, policies or certificates shall provide for a limited number of specified premiums or for specified surrender values, in which case they shall be valued as provided in article two, section eighty-four

of this chapter. But no life insurance corporation shall hereafter be permitted to avail itself of the provisions of this section unless it shall hold for all its outstanding policies or certificates assets equal in value to the minimum reserve required by section eighty-four of this chapter. [2]Whenever any domestic insurance corporation changes the number of its directors or increases or reduces the amount of its capital stock, pursuant to and in conformity with the provisions of the stock corporation law, it may file in the office of the superintendent of insurance a complete copy of its charter, duly authenticated, containing the changes of its capital stock or its directors, or both, as the case may be. Such charter shall not be filed until it has attached thereto the certificate of approval of the attorney-general, as provided in section ten of this chapter.

§ 2. This act shall take effect immediately.

Chap. 48.

AN ACT to ratify, confirm and legalize the proceedings of the village of Bloomingdale in the county of Essex in the matter of issuance, sale and award of its bonds in the amount of fifteen thousand dollars for the purpose of supplying said village and its inhabitants with pure and wholesome water, to legalize said bonds and to provide for the payment of the interest and principal thereof.

Became a law March 27, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to bond issue, legalized.

Section 1. All the acts and proceedings of the village of Bloomingdale in the county of Essex, done and performed by its qualified voters, board of trustees, officers and agents, leading up to and including the sale and award of its bonds in the aggregate amount of fifteen thousand dollars for the purpose of providing money to pay for the construction of a water works system for said village, in accordance with maps and profiles therefor approved by the state water supply commission, are hereby ratified, confirmed and legalized, notwithstanding any defect or irreg-

[2] Remainder of section new.

ularity, or the omission of any lawful requirement in such acts and proceedings.

§ 2. All, and each, of said bonds so sold and awarded consisting of twenty-five registered bonds of the denomination of six hundred dollars each, numbered one to twenty-five inclusive, dated August first, nineteen hundred and ten, and payable one bond as consecutively numbered on the first day of August, in each of the years nineteen hundred and fifteen to nineteen hundred and thirty-nine, inclusive, with interest thereon at the rate of four and sixty-five one hundredths per centum per annum, payable semi-annually, on the first day of February and August in each year until the principal thereof is fully paid, signed by the president and treasurer and attested by the clerk under the corporate seal of said village, are hereby legalized and declared to be valid and legal obligations of said village, and the treasurer of said village is hereby authorized and directed to deliver said bonds to the purchasers thereof or their assignee, upon the receipt of the amount for which said bonds were so sold. Bonds validated.

§ 3. The said village, by its proper officers, is hereby authorized and directed to raise annually, by tax, and in the manner provided by law, a sum sufficient to pay the interest and principal of said bonds as the same shall become due. Tax for payment.

§ 4. This act shall take effect immediately but shall not affect any action or proceeding pending in any court at the time it takes effect. Pending actions.

Chap. 49.

AN ACT to legalize the official acts of certain justices of the peace and authorizing them to execute and file official bonds and official oaths and certificate.[1]

Became a law March 27, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The official acts of every justice of the peace duly elected or appointed to office, heretofore done and performed, as far as such official acts may be affected, impaired or questioned by

[1] See L. 1910, ch. 142.

reason of the failure of any such justice of the peace to take, subscribe and file the official oaths or give an official bond or undertaking as required by law or within the time prescribed by law, or of the failure to file the certificate prescribed by the town law,[2] are hereby legalized, ratified and confirmed, and any justice of the peace heretofore elected or appointed to the office who has neglected to file an official bond or undertaking, or to take the oath of office, or to file the certificate prescribed by said town law within the time prescribed by law, may take such oath, file such bond or undertaking, or such certificate within sixty days from and after the passage of this act and the same shall have the same force, effect and validity as if the same had been done within the time prescribed by law. Nothing herein contained shall affect any action or proceeding pending when this act shall take effect, or any action or proceeding begun within ten days of the taking of such oath, filing of such bond or undertaking or filing of such certificate prescribed by said town law.

§ 2. This act shall take effect immediately.

Chap. 50.

AN ACT to amend chapter one hundred and fifteen of the laws of nineteen hundred and nine, entitled "An act authorizing the city of Buffalo to construct, equip and maintain a municipal hospital or hospitals either within or outside the limits of said city, for the exclusive care and treatment of persons affected with incipient tuberculosis, and authorizing said city to acquire lands for such purposes and to borrow money therefor by the issue of bonds," increasing the aggregate amount which said city may borrow for such purposes, and increasing the maximum rate of interest on such bonds.

Became a law March 27, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 115, § 2 amended.

Section 1. Section two of chapter one hundred and fifteen of the laws of nineteen hundred and nine, entitled "An act authoriz-

[2] See § 106.

ing the city of Buffalo to construct, equip and maintain a municipal hospital or hospitals either within or outside the limits of said city, for the exclusive care and treatment of persons affected with incipient tuberculosis, and authorizing said city to acquire lands for such purposes and to borrow money therefor by the issue of bonds," is hereby amended so as to read as follows:

Bond issue.

§ 2. For the purpose of providing the moneys necessary to acquire the title to lands, and to construct and equip suitable buildings for said hospital or hospitals, it shall be lawful for the city of Buffalo to issue its bonds in a sum not to exceed two hundred and fifty thousand dollars[1] in the aggregate. Such bonds shall bear interest at a rate not exceeding four and one-half per centum[2] per annum, payable semi-annually at the office of the comptroller of the city of Buffalo, or at the Gallatin National Bank in the city of New York, as the purchaser may elect, the principal to be payable at the same place twenty years after the date of said bonds. Such bonds shall be issued from time to time by the mayor and comptroller, under the city seal, as may be ordered by the common council, and shall be sold or awarded in the manner provided in section four hundred and ninety-two of chapter one hundred and five of the laws of the state of New York of the year eighteen hundred and ninety-one, being the charter of said city, as amended by chapter forty-eight of the laws of nineteen hundred and six. The common council shall make provision in the general fund estimates of said city for the payment of the interest on and the principal of said bonds as the same shall become due, and may appropriate in the annual estimates such sums as shall be deemed necessary by the common council and mayor for the maintenance and improvement of said hospital or hospitals.

Payment of principal and interest.

Maintenance.

§ 2. This act shall take effect immediately.

[1] Formerly $200,000.
[2] Formerly 4%.

Chap. 51.

AN ACT to amend the county law, in relation to the compensation of supervisors and assessors in attending meetings of the state board of tax commissioners.

Became a law March 27, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 241a added to L. 1909, ch. 16.

Section 1. Chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," is hereby amended by inserting therein a new section, to be section two hundred and forty-one-a, to read as follows:

§ 241-a. **Compensation of supervisors and assessors in attending tax meetings.** Supervisors, in addition to the compensation provided by section twenty-three[1] of this chapter, and town assessors, shall be entitled to receive compensation at the rate of four dollars per day for each calendar day actually and necessarily spent in attending a meeting within the county held for the purpose of conference with the state board of tax commissioners or a member of such board, and mileage at the rate of eight cents per mile by the most direct route from his residence, in going to and returning from the place within the county where such meeting is held. Such compensation and mileage shall be a county charge.

§ 2. This act shall take effect immediately.

[1] As amended by L. 1910, ch. 279.

Chap. 52.

AN ACT providing for the relief of certain taxpayers of the city of Buffalo by placing the cost of acquiring lands for the extension of Laurel street in said city upon the general fund.

Became a law March 28, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Local assessment-roll number two thousand six hundred and fifty-eight, made by the assessors of the city of Buffalo for the purpose of collecting money to defray the cost of acquiring lands for the extension of Laurel street, is hereby canceled and annulled. The cost of said improvement shall be paid from the general fund of said city of Buffalo.

§ 2. This act shall take effect immediately.

Chap. 53.

AN ACT to amend the penal law, in relation to false weights and measures.

Became a law March 28, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended by inserting therein a new section to be section twenty-four hundred and fourteen-a thereof and to read as follows:

§ 2414a added to L. 1909, ch. 88.

§ 2414-a. **Presumption of knowledge.** The possession or use by any person of any false weight, measure or other apparatus for determining the quantity of any commodity or article of

merchandise is presumptive evidence of knowledge by such person of the falsity of such weight, measure or other apparatus.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

Chap. 54.

AN ACT authorizing and directing the comptroller to revise and resettle accounts for taxes paid under the provisions of section one hundred and eighty-seven-a of the tax law for the year ending June thirtieth, nineteen hundred and eight.

Became a law March 28, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The comptroller is hereby authorized and directed to readjust and resettle any account for taxes stated under and by virtue of section one hundred and eighty-seven-a of the tax law[1] for the year ending June thirtieth, nineteen hundred and eight, where it is shown by proof submitted to him that any trust company owned and held registered in the name of one of its officers on the thirtieth day of June, nineteen hundred and eight, any bonds of the state of New York bearing interest at a rate not exceeding three per centum per annum, and where such bonds were deposited with a public officer as security for deposit of funds of the state of New York, by crediting to such trust company upon its current account for taxes on capital, surplus and undivided profits, one per centum of the par value of such bonds so held, not exceeding the amount of tax due and payable for said year. Such credit shall not be subject to any charge for interest.

§ 2. This act shall take effect immediately.

[1] L. 1896, ch. 908, § 187a, as added by L. 1901, ch. 132 and amended by L. 1901, ch. 535. Now superseded by consolidated tax law (L. 1909, ch. 62), § 188.

Chap. 55.

AN ACT in relation to the improvement of State street in the city of Albany.

Became a law March 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever the commissioner of public works has devised a plan for the improvement of State street in the city of Albany from Broadway to the pier, the same shall be submitted to the common council for adoption and when adopted by the common council and approved by the board of estimate and apportionment, the board of contract and supply shall proceed to advertise and let contracts for the work in the same manner as other contracts are advertised and let. Plans how adopted. Contracts how let.

§ 2. For the purpose of providing funds for the payment of the expense of such improvement, the city of Albany is hereby authorized and empowered in its discretion to issue bonds to an amount not exceeding in the aggregate the sum of five hundred thousand dollars. Said bonds shall be issued in such denominations and shall draw interest at such rate and be payable at such times and places as the common council shall by ordinance determine; provided, however, that the time for the payment of the principal of such bonds, or of any series of bonds shall not exceed fifty years. Bond issue authorized.

§ 3. This act shall take effect immediately.

Chap. 56.

AN ACT making an appropriation for the repair and security of the state capitol.

Became a law April 5, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appro- Appropriation.

priated out of any moneys in the treasury not otherwise appropriated, to be payable by the comptroller to the trustees of public buildings, to be used by such trustees for the purpose of repairing and making secure the capitol damaged by the recent fire.

Authority of trustees of public buildings.

§ 2. The trustees of public buildings are hereby authorized and empowered to employ needed experts, assistants or employees, who shall perform such duties as shall be prescribed by the trustees of public buildings and receive such compensation as shall be fixed by said trustees.

§ 3. This act shall take effect immediately.

Chap. 57.

AN ACT to amend the village law, in relation to borrowing money.

Became a law April 5, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 64, § 128, as amended by L. 1910, ch. 4, amended.

Section 1. Section one hundred and twenty-eight of chapter sixty-four of the laws of nineteen hundred and nine, entitled "An act relating to villages, constituting chapter sixty-four of the consolidated laws," as amended by chapter four of the laws of nineteen hundred and ten,[1a] is hereby amended to read as follows:

§ 128. **Borrowing money generally.** If authorized by an election, money may be borrowed by a village upon its bonds or other obligations, payable in future fiscal years, for the purpose of purchasing, constructing and maintaining the following village improvements:

1. A village or town hall.

2. Fire houses, fire engines, fire alarm system and all other apparatus for use in extinguishing fires.

3. Laying out, widening, altering, grading or paving streets, and for the *purpose of a steam roller, stone crusher and engine, and other road making machinery.

4. Sidewalks.

5. Bridges.

* So in original.

[1a] Section 128 is further amended by L. 1911, ch. 738, post.

6. Water-works.
7. Lighting system.
8. Sewerage.
9. Parks or a site for a free public library.
10. Cemeteries.
11. Drains and culverts, the regulation of water courses, ponds and watering places, and the protection of the property within the village from floods, freshets and high water.
12. Public docks or bulkheads.
13. For paying the additional expense of a state or county highway through the village when constructed or improved upon modified plans of the state commission of highways, as provided by the highway law.[1]

And also for the purpose of paying certificates of indebtedness lawfully issued by the trustees under the provisions of section one hundred and fifty-eight of this chapter. Money may be borrowed in anticipation of taxes levied or to be levied[2] for the current fiscal year,[3] but not in excess of the amount previously estimated by the board of trustees, as necessary to be raised during said fiscal year, nor in excess of the amount of taxes of said fiscal year remaining unpaid at the time such money is borrowed,[4] and the money so borrowed[5] must be payable within such year. No contract shall be made involving an expenditure by the village, unless the money therefor has previously been estimated by the board of trustees as necessary to be raised during the then fiscal year,[6] or unless[7] a proposition has been adopted authorizing the board of trustees to raise such money. If a final judgment against a village exceeds one thousand dollars, money may be borrowed for the payment thereof on the adoption of a proposition therefor at a village election, and bonds or other obligations of the village may be issued for that purpose, payable in installments or otherwise as prescribed in section one hundred and twenty-nine of this chapter.

§ 2. This act shall take effect immediately.

[1] See § 137, as amended by L. 1910, ch. 233 and L. 1911, ch. 88; and § 138, as amended by L. 1911, ch. 88.
[2] Words "levied or to be levied," new.
[3] Words "prior to the annual levy thereof," omitted.
[4] Words "nor in excess of the amount . . . money is borrowed," new.
[5] Words "the money so borrowed," new. Word "it" omitted.
[6] Words "has previously been estimated . . . fiscal year," new. Words "is on hand," omitted.
[7] Word "unless" new.

Chap. 58.

AN ACT to amend the education law, relating to the supreme court library at Buffalo.

Became a law April 5, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 21, § 1177, as amended by L. 1910, ch. 140, amended.

Section 1. Section ten hundred and sixty-nine of chapter twenty-one of the laws of nineteen hundred and nine entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended and re-numbered section eleven hundred and seventy-seven by chapter one hundred and forty of the laws of nineteen hundred and ten, is hereby amended to read as follows:[1]

§ 1177. **Supreme court library at Buffalo.** The supreme court library at Buffalo shall be under the care and management of the present trustees and their successors in office; who shall be known as the trustees of the law library of the eighth judicial district. In case of a vacancy in said board of trustees it shall be filled at a term of the appellate division of the supreme court of the fourth judicial department, by the judges thereof, who shall appoint to such vacancy either a justice of the supreme court residing in the eighth judicial district or an attorney and counselor at law residing in the eighth judicial district and of at least ten years' standing at the bar; provided, however, that at all times at least four of the trustees of said library shall be residents of the county of Erie. All appropriations made for said library shall be paid to the said trustees, to be by them disbursed in the purchase of books, and in the repair of books, for said library. The said trustees shall appoint a suitable person librarian of said library, who shall receive an annual salary of two thousand five hundred dollars, to be paid by the comptroller in monthly instalments, upon the certificate of the treasurer of the trustees of said library, which said amount shall be levied and assessed by the comptroller, one-half upon the county of Erie, and the residue thereof upon the several remaining counties constituting the eighth judicial district, in proportion to the assessed valuation of the real and personal property in said counties. The said trustees may make rules and regulations for the management and protection of said library, and prescribe

[1] Section materially amended.

penalties for the violation thereof; and may sue for and recover such penalties, and may maintain actions for injuries to said library; they may procure proper furniture for said library, hire suitable rooms, employ assistants to said librarian, provide fuel and lights, and defray all the incidental expenses of the care and management of said library; they shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of supervisors of Erie county, who shall pay the same. They shall yearly make a report to the regents of the university of the state of said library. The said library shall be maintained as a free public library for the use of the people of the state, the supreme court of the eighth judicial district, and the local courts of the county of Erie and of the city of Buffalo.

§ 2. This act shall take effect immediately.

Chap. 59.

AN ACT to amend the agricultural law, in relation to the definition of the terms "butter" and "cheese."

Became a law April 5, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," as amended by chapter one hundred and eighty-six of the laws of nineteen hundred and nine and chapter three hundred and forty-one of the laws of nineteen hundred and ten, is hereby amended to read as follows:[1]

L. 1909, ch. 9, § 30, as amended by L. 1909, ch. 186 and L. 1910, ch. 341, amended.

§ 30. **Definitions.** The term "butter" when used in this article means the product of the dairy, usually known by that term, which is manufactured exclusively from pure, unadulterated milk or cream or both, with or without salt or coloring matter;[1a] and the term "cheese," when used in this article, means the product of the dairy usually known by that term which is manufactured exclusively from pure, unadulterated milk or cream, or both, and with or without coloring matter, salt, rennet, sage, olives,

[1] Section 30 is again amended by L. 1911, ch. 608, post. See note to latter chapter.

[1a] Sentence to here materially amended; formerly contained also definition of cheese. Remainder of sentence new.

pimentos, walnuts, peanuts, tomatoes, celery salt or onions added thereto as a flavor. [2]And provided further, that when manufactured by adding to the elemental product of the dairy, usually known by the term "cheese," and manufactured exclusively from pure, unadulterated milk or cream or both, any pimentos, olives, walnuts, peanuts, celery salt, tomatoes, or onions, that the percentage of all such substances so added shall not exceed twenty-five per centum in bulk of the manufactured product.

The terms "oleomargarine," "butterine," "imitation butter" or "imitation cheese" shall be construed to mean any article or substance in the semblance of butter or cheese not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, or any such article or substance into which any oil, lard or fat not produced from milk or cream enters as a component part, or into which melted butter or butter in any condition or state, or any oil thereof has been introduced to take the place of cream. The term "adulterated milk," when so used, means:

1. Milk containing more than eighty-eight per centum of water or fluids.
2. Milk containing less than eleven and one-half per centum of milk solids.
3. Milk containing less than three per centum of fats.
4. Milk drawn from cows within fifteen days before and five days after parturition.
5. Milk drawn from animals fed on distillery waste or any substance in a state of fermentation or putrefaction or on any unhealthy food.
6. Milk drawn from cows kept in a crowded or unhealthy condition.
7. Milk from which any part of the cream has been removed.
8. Milk which has been diluted with water or any other fluid, or to which has been added or into which has been introduced any foreign substance whatever.

All adulterated milk shall be deemed unclean, unhealthy, impure and unwholesome. The terms "pure milk" or "unadulterated milk," when used singly or together, mean sweet milk not adulterated, and the terms "pure cream" or "unadulterated cream," when used singly or together, mean cream taken from pure and unadulterated milk. The term "adulterated cream"

[2] Following sentence new.

when used shall mean cream containing less than eighteen per centum of milk fat or cream to which any substance whatsoever has been added.

§ 2. This act shall take effect immediately.

Chap. 60.

AN ACT to amend the second class cities law, relating to temporary and funded debts.

Became a law April 5, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty of chapter fifty-five of the laws of nineteen hundred and nine, being the second class cities law, entitled "An act in relation to cities of the second class, constituting chapter fifty-three of the consolidated laws," relating to temporary and funded debts, as amended by chapter six hundred and ninety-two of the laws of nineteen hundred and ten, is hereby amended to read as follows:

L. 1909, ch. 55, § 60, as amended by L. 1910, ch. 692, amended.

§ 60. **Temporary and funded debts.** Temporary and funded debts of the city for the various purposes authorized or contemplated by this chapter and otherwise by law, may be created by ordinance of the common council, provided, however, that any such ordinance shall, before it takes effect, be submitted to and approved by the board of estimate and apportionment. Funded debts may be created for any municipal purpose. The creation of funded and temporary debts and the refunding of existing debts, shall be subject to the provisions of the general municipal law, except as otherwise herein provided. Every funded debt, refunded or created, except to provide for the supply of water, shall be issued in such amounts and shall fall due at such times that the principal of the same shall be fully paid in not more than twenty equal annual instalments, the last of which shall become due at the end of not more than twenty years after its issue. Every funded debt refunded or created to provide for the supply of water shall be issued in such amounts and shall fall due at such times that the principal of the same shall be fully paid in not more than forty equal instalments, the last of which shall become due at the end

of not more than forty years after its issue, [1]and may by the ordinance creating said funded debt be made payable out of water rents received by the city. Any bonds of the city heretofore issued, other than revenue bonds, and not payable in annual[2] instalments, may be refunded. No funded debt which is payable in annual[2] instalments,[3] shall be refunded, but provision shall be made for the payment of each instalment and accrued interest in the year in which it shall become due by the insertion of the proper sum in the annual estimate for the year in question. An ordinance creating a funded debt may provide that the bonds therein authorized shall contain a recital that they are issued pursuant to law and an ordinance of the common council, as provided by section sixty of the second class cities law. Such recital, when so authorized, as aforesaid, shall be conclusive evidence of the regularity of the issue of said bonds and of their validity.

§ 2. This act shall take effect immediately.

Chap. 61.

AN ACT to amend chapter two hundred and forty-two of the laws of nineteen hundred and nine, entitled "An act to make the office of the sheriff of the county of Oswego a salaried office and to regulate the management thereof," generally.

Became a law April 5, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 242, §§ 8, 10 amended.

Section 1. Sections eight and ten of chapter two hundred and forty-two of the laws of nineteen hundred and nine, entitled "An act to make the office of the sheriff of the county of Oswego a salaried office and regulate the management thereof," are hereby amended to read, respectively, as follows:[4]

Under-sheriff, keeper and matron, appointment.

§ 8. There shall be one under-sheriff who shall be appointed by the sheriff and may be removed by him at any time; and the sheriff shall also appoint, and may remove at his pleasure, a

1 Remainder of sentence new.
2 Word "annual" new.
3 Words "nor any annual payment thereof," omitted.
4 Sections materially amended.

keeper of and a matron for the jail located in the city of Oswego. Such under-sheriff, keeper and matron shall each receive an annual salary to be fixed by the said board of supervisors payable quarterly by the county treasurer. The sheriff shall also have power to appoint as many deputies, keepers, clerks and other assistants as he may deem necessary for the proper conduct of such office, all of whom shall be paid by the sheriff out of the salary hereinbefore fixed and allowed to him; provided, however, that services actually and necessarily performed by any under-sheriff or deputy sheriff upon the requisition of any state department or official which are or may be by law a charge against the county of Oswego shall continue to be so chargeable and paid by the county; and provided, further, that the salary of any foreman or superintendent of the county farm shall be a county charge; and guards for guarding prisoners while at work may be provided by the board of supervisors at the expense of the county; and further provided that court attendants appointed as provided by law and deputy sheriffs for services in criminal proceedings before a justice of the peace or a police justice which are by law a county charge shall receive the fees allowed by law. The sheriff may require bonds of each person appointed or employed by him in any official capacity, conditioned for the faithful performance of the duties entrusted to such person, and the accounting for any moneys which may come into his hands by virtue of such office, and the county of Oswego shall not be held responsible in any particular for any official act of the sheriff or any of his appointees.

Removal and compensation.

Deputies and other assistants.

Compensation.

Bonds of appointees.

County not responsible for official acts.

§ 10. The expense of the support and maintenance of prisoners confined in the jails of said county where such support and maintenance is a county charge shall be audited and allowed by the board of supervisors at each annual session, or such expense may be audited and allowed at any special session of said board. The said board shall also have power to contract with the sheriff for the supervision, support and maintenance of such prisoners at a specified sum per week for each prisoner. Such supervision, support and maintenance shall include the board, washing, service, food and care of said prisoners while confined in such jails. At such annual session the sheriff shall present an itemized statement duly verified, giving the name of each prisoner, and the actual time each said prisoner was confined in said jail as a county charge.

Audit of sheriff's bills for care of prisoners in county jails.

Contract with sheriff for such care.

Report of sheriff as to prisoners.

§ 2. This act shall take effect immediately.

Chap. 62.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-three, entitled "An act to revise and consolidate the several acts in relation to the village of Dansville, and to revise and amend the charter of said village, and to repeal certain acts and parts of acts," generally.

Became a law April 5, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1893, ch. 371, tit. 2, § 1 amended.

Section 1. Section one of title two of chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-three, entitled "An act to revise and consolidate the several acts in relation to the village of Dansville, and to revise and amend the charter of said village, and to repeal certain acts and parts of acts," is hereby amended to read as follows:[1]

Village officers.

§ 1. The officers of the village shall be a president, four trustees, three assessors, one clerk, one treasurer, one collector and three water and sewer commissioners, who shall be elected by ballot by the inhabitants of the village as hereinafter provided; a chief engineer of the fire department and two assistants, a janitor, a street commissioner, a police justice, a chief of police and policemen to such number as the trustees deem necessary, a board of health as required by the public health law to be appointed by the board of trustees; and such other officers to be elected or appointed as are or may be authorized by this act, or by the village law.

§ 4a added to tit. 2.

§ 2. Title two of said chapter is hereby amended by adding thereto a new section, to be section four-a, to read as follows:

Board of water and sewer commissioners, appointment and terms.

§ 4-a. At its next regular meeting after this section takes effect, the board of trustees of said village shall appoint a board of water and sewer commissioners composed of three persons qualified to serve as trustees of the village, the term of office of one of which shall expire at the next annual village election, one at the second annual village election and one at the third annual village election thereafter. At each annual village election after such

Election of successors.

[1] Section materially amended.

appointments there shall be elected one water and sewer commissioner, whose term of office shall be for three years. Whenever it shall become necessary by reason of vacancy to elect more than one commissioner at any annual election, the voter shall indicate upon his ballot whether the person voted for is for the long, or short term or terms as the case may be, following the name of the person voted for. The persons so appointed or elected shall constitute the board of water and sewer commissioners of said village. The board shall organize by the election from among its number, of a president, secretary and treasurer and shall fix the time for holding its regular meetings. The treasurer shall give a bond to the village to be approved as to form and sufficiency of sureties by the board of trustees. The board of water and sewer commissioners shall have entire charge, management and control, of the water system and sewer system of the village, and shall be vested with all of the powers and duties in regard to the management and control of said water and sewer systems heretofore vested in and possessed by the board of trustees of said village. It shall have the power heretofore possessed by the board of trustees to adopt rules, regulations and ordinances for the regulation and maintenance of the said water and sewer systems, fix and regulate the rates to be charged for water, appoint a superintendent of water and sewers, prescribe his duties and fix his annual compensation, collect all water rentals, and to pay therefrom the salaries of its members and of the superintendent of water and sewers, and the expense of maintenance and repairs to said water system. The board of trustees shall transfer to the board of water and sewer commissioners from time to time such sums as may be necessary for the maintenance of the sewer system, from the fund provided for that purpose as an ordinary expenditure of the village. The board of water and sewer commissioners shall annually make a report for the fiscal year to the board of trustees of its proceedings as such board of water and sewer commissioners, together with an itemized statement of its receipts and expenditures together with recommendations for the ensuing year. The board of water and sewer commissioners shall transfer to the treasurer of the village subject to the order of the board of trustees, from time to time, such of the funds received from water rentals, as shall not be required for salaries and maintenance as herein provided, the same to be applied by the board of trustees to the payment of water or sewer bonds or accruing interest thereon.

Organization.

Treasurer's bond.

Duties of board.

Powers.

Maintenance of sewer system.

Annual report.

§ 3. Section one of title four of said chapter, as amended by

Tit. 4, § 1, as amended

by L. 1897, ch. 264, amended.

chapter two hundred and fifty-four of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

Tax for ordinary expenditures.

§ 1. The trustees shall have power to raise by assessment and tax, moneys for the expenditures required by the provisions of this act and the proceedings had hereunder, which shall be termed the "ordinary expenditures" of said village, for the following purposes:

1. A sum for highway and street purposes, not exceeding the sum of five thousand dollars.[2]

2. A sum sufficient to pay the contingent or ordinary expenses of said village, including printing, stationery, expenses of litigation,[3] rentals, repairs, board of health, and salaries not otherwise provided for, not exceeding the sum of two thousand dollars.[4]

3. A sum sufficient to pay the current expenses of lighting the streets and public buildings of said village, not exceeding the sum of five thousand dollars.[5]

4. A sum sufficient for the necessary expenses of the fire department, not exceeding the sum of six hundred dollars.

5.[6] A sum sufficient for the maintenance, repair and extension of the sewer system of said village, not exceeding the sum of one thousand dollars.

6.[7] A sum, to be known as the police fund, sufficient for the salaries of the police justices and the policemen to be appointed, as herein provided, not exceeding the sum of twelve hundred dollars.

Tit. 5, § 2 repealed.

§ 4. Section two of title five of said chapter is hereby repealed.

§ 2a added to tit. 8.

§ 5. Title eight of said chapter is hereby amended by adding thereto after section two a new section, to be section two-a, to read as follows:

Sprinkling of streets.

§ 2-a. The board of trustees may cause a street or a part thereof to be sprinkled by or under the direction of the street commissioner, or may let the work by contract, and the expense thereof when ascertained, in whole or in part may be apportioned ratably upon the real property adjoining the street, or portion thereof to be sprinkled, as appears by the regular assessment-roll of the village, and shall be levied and assessed thereon and collected in the same manner as other village taxes; and it shall be the duty of

[2] Formerly $2400.
[3] Word "rents" omitted.
[4] Formerly $1200.
[5] Formerly $3000.
[6] Subd. 5 new.
[7] Formerly subd. 5.

the board of trustees, upon a petition signed by sixty per centum of the taxpayers of any street or portion thereof proposed to be sprinkled, to cause such street to be sprinkled and assess the expense thereof in whole or in part as aforesaid.

§ 6. This act shall take effect immediately.

Chap. 63.

AN ACT to amend the general corporation law, in relation to revival of corporate existence.

Became a law April 5, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-eight of chapter twenty-eight of the laws of nineteen hundred and nine, entitled "An act relating to corporations generally, constituting chapter twenty-three of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 28, § 38 amended.

§ 38. **Revival of corporate existence.** If the term of existence of any domestic corporation shall have expired and it shall be made satisfactorily to appear to the supreme court that such corporation was legally organized pursuant to any law of this state, and that it shall have issued its bonds payable at a date beyond the date fixed in its charter or certificate of incorporation for the expiration of its corporate existence, and such bonds shall be unmatured and unpaid, or, if a bank, incorporated under a general law of this state, that shall have issued any other obligations or shall have incurred any other indebtedness which at the date of the application shall be unsatisfied or unpaid,[1] the supreme court may, upon the application of any person interested and upon such notice to such other parties as the court may require, by order, authorize the filing and recording of a certificate reviving the existence of such corporation, upon such conditions and with such limitations as such order shall specify, and extending such corporate existence for a term not exceeding the term for which it was originally incorporated. Upon filing and recording such certificate in the same manner as certificates of extension of corporate existence duly issued before the expi-

[1] Words "or, if a bank, incorporated . . . or unpaid," new.

ration of the existence of a domestic corporation are authorized by law to be filed and recorded, such corporate existence shall be revived and extended in pursuance of the terms of such order, but such revival and extension shall not affect any litigation commenced after such expiration and pending at the time of such revival.

§ 2. This act shall take effect immediately.

Chap. 64.

AN ACT relating to the private use and occupation of a part of Van Rensselaer street in the city of Buffalo underneath a viaduct structure which carries the roadway of said street over its former grade.

Became a law April 5, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Permission granted Larkin Company to occupy space beneath viaduct.

Section 1. Permission is hereby granted to the Larkin Company to occupy exclusively the space beneath the viaduct structure in the city of Buffalo which carries the roadway of Van Rensselaer street over its former grade between the south line of Carroll street and the north line of Exchange street, until such time as such viaduct structure shall be removed and said Van Rensselaer street restored to its former grade.

Conditions under which granted.

§ 2. The permission granted by section one of this act shall be subject to the following conditions: That the city of Buffalo shall have the right to maintain and keep in proper condition, and to construct within, across or underneath the surface of the space within the line of Van Rensselaer street underneath said viaduct structure such sewers, mains, pipes or conduits as now exist therein or as shall hereafter be ordered or authorized by the common council of said city for public use; that said Larkin Company, its successors and assigns, will protect with fireproofing the supports to the viaduct maintained on said space, and preserve said viaduct structure from all injury whatever by reason of the use and occupation of the space hereby authorized; that prior to

the occupation of such space by said Larkin Company as hereby authorized, said company shall file in the office of the city clerk of said city a map or plans and specifications which shall have been approved by the commissioner of public works and the common council of said city; that prior to the use or occupation of said space pursuant to this act, said company shall pay to the city of Buffalo, through its treasurer, the sum of two thousand five hundred dollars; that in the event of the removal of said viaduct structure and the restoration of Van Rensselaer street to its former grade or of making any changes raising the said grade between Carroll and Exchange streets, neither said city nor the state of New York shall be liable to said company for any claims or demands for damages by reason of any loss or injury which said company may suffer, nor to the repayment of any part of said two thousand five hundred dollars. The privilege hereby conferred upon said Larkin Company shall inure to the benefit of its successors and assigns, and the obligations and conditions hereby imposed upon said company shall also rest upon its successors and assigns. The construction and repair work done by said company underneath said viaduct structure shall be done subject to the inspection and supervision of the commissioner of public works of said city. Said work of construction shall be begun within one year from the time this act takes effect.

§ 3. This act shall take effect immediately.

Chap. 65.

AN ACT to amend the Greater New York charter, in relation to notice to be given to the people of the state of New York and to the city of New York on the foreclosure of tax liens.

Became a law April 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one thousand and thirty-five of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, and amended

L. 1897, ch. 378, § 1035, as re-enacted by L. 1901, ch.

466, and amended by L. 1908, ch. 490, amended.

by chapter four hundred and ninety of the laws of nineteen hundred and eight, is hereby amended to read as follows:

Foreclosure of tax lien.

§ 1035. If the amount of any tax lien which shall have been transferred by a transfer of tax lien shall not be paid when under its terms and the provisions of this title such amount shall be due, the holder of such tax lien may maintain an action in the supreme court to foreclose such tax lien. In an action to foreclose a tax lien any person shall be a proper party of whom the plaintiff alleges that such person has or may have or that the plaintiff has reason to believe that such person has or may have an interest in or claim upon the real property affected by the tax lien. Except as otherwise provided in this title an action to foreclose a tax lien shall be regulated by the provisions of the code of civil procedure and by all other provisions of law, and rules of practice applicable to actions to foreclose mortgages on real property. The people of the state of New York may be made party to an action to foreclose a tax lien in the same manner as a natural person. [1]Where the people of the state of New York or the city of New York is made a party defendant the complaint shall set forth, in addition to the other matters required to be set forth by law, detailed facts showing the particular nature of the interest in or the lien on the said real property of the people of the state of New York or the city of New York, and detailed facts showing the particular nature of the interest in or the lien on said real property which plaintiff has reason to believe that the people of the state of New York or the city of New York has or may have in the said real property, and the reason for making the people of the state of New York or the city of New York a party defendant. Upon failure to state such facts the complaint shall be dismissed as to the people of the state or the city of New York.

In effect May 1, 1911.

§ 2. This act shall take effect May first, nineteen hundred and eleven.

[1] Remainder of section new.

Chap. 66.

AN ACT to amend the village law, in relation to the compensation of certain village officers.

Became a law April 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-six of chapter sixty-four of the laws of nineteen hundred and nine, entitled "An act relating to villages constituting chapter sixty-four of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 64, § 86 amended.

§ 86. **Compensation and duties of village officers not otherwise prescribed.** Except as provided in this section[1] the president and trustees, and the fire, water, light, sewer and cemetery commissioners, shall serve without compensation, but the members of the board of trustees shall be entitled to the compensation fixed by law for inspectors of election when acting as such, and to the same compensation as town assessors for each day actually and necessarily spent by them in making the village assessment. [2]The board of trustees of a village incorporated under and subject to this chapter or to a special law may, upon its own motion, and shall, upon the petition of twenty-five electors of such village qualified as provided by this chapter to vote upon a proposition, cause to be submitted at a village election a proposition to fix the compensation of the president or of the trustees or of the fire, water, light, sewer or cemetery commissioners of such village at an amount specified in such proposition. [2]Only persons who possess the qualifications prescribed in this chapter for voters upon a proposition shall be entitled to vote upon such proposition. [2]If such proposition be adopted the salary of the officer or officers shall be deemed fixed in accordance with the amount specified therein, but a proposition may be submitted in like manner at a subsequent election either changing the amount fixed by such resolution or providing that such officer or officers shall thereafter receive no compensation for services.

The board of trustees may fix the compensation and further declare the powers and duties of all other village officers or boards

[1] Sentence to here new.
[2] Following sentence new.

and may require any officer or board of the village to furnish reports, estimates or other information relating to any matter within his or its jurisdiction.

§ 2. This act shall take effect immediately.

Chap. 67.

AN ACT reappropriating an unexpended balance for the improvement of the canals.

Became a law April 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of seven million six hundred seventy-seven thousand six hundred forty-nine dollars and fifty-seven cents ($7,677,649.57), being the unexpended balance of the appropriation made by chapter one hundred and ninety-five of the laws of nineteen hundred and nine, to be expended in carrying out the purposes of the act for the improvement of the Erie canal, the Oswego canal and the Champlain canal, as provided by chapter one hundred and forty-seven of the laws of nineteen hundred and three and the acts amendatory thereof and supplemental thereto, is hereby reappropriated from the same funds and for the same purpose as provided by said act and the amendments thereto.

§ 2. This act shall take effect immediately.

Chap. 68.

AN ACT to amend the code of civil procedure, in relation to the jurisdiction of county courts.

Became a law April 8, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 341 amended.

Section 1. Section three hundred and forty-one of the code of civil procedure is hereby amended to read as follows:

§ 341. For the purpose of determining the jurisdiction of a county court, in either of the cases specified in the last section, a domestic corporation or joint stock association, whose principal place of business is established, by or pursuant to a statute, or by its articles of association, or whose principal place of business or any part of its plant or plants, shops, factories or offices[1] is actually located within the county, or in case of a railroad corporation where any portion of the road operated by it is within the county, it is deemed a resident of the county; and personal service of a summons, made within the county, as prescribed in this act, or personal service of a mandate, whereby a special proceeding is commenced, made within the county, as prescribed in this act for personal service of a summons, is sufficient service thereof upon a domestic corporation wherever it is located.

Domestic corporation, etc., when deemed resident of county.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

In effect Sept. 1, 1911.

Chap. 69.

AN ACT to amend the Greater New York charter, in relation to the establishment of day nurseries and the acquisition of land and buildings therefor.

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title one of chapter thirteen of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one is hereby amended by adding a new section to be section six hundred and ninety-one-a, to read as follows:

§ 691a added to L. 1897, ch. 378, as re-enacted by L. 1901, ch. 466.

ESTABLISHMENT OF DAY NURSERIES.

§ 691-a. The commissioner of charities, with the approval of the board of estimate and apportionment, may, in his discretion, establish one or more day nurseries, and may adopt rules and

[1] Words "or whose principal place of business or any part of its plant or plants, shops, factories or offices," new.

regulations for the free admission thereto of children under ten years of age. If authorized by the board of estimate and apportionment, he may select and cause to be acquired therefor, in the name and on behalf of the city of New York, in the manner provided by chapter twenty-one of this act, the land, together with the buildings thereon, situated at the northwest corner of Tenth avenue and Fiftieth street, in the borough of Manhattan, city of New York, which premises are known as five hundred and one West Fiftieth street, together with such other land and buildings situated in the city of New York as he may deem needed therefor, and the acquisition of which the board of estimate and apportionment shall approve.

§ 2. This act shall take effect immediately.

Chap. 70.

AN ACT to amend chapter seven hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act constituting the charter of the city of Rochester," in relation to the fire pension fund.

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1907, ch. 755, § 336, subd. 2, subd. (b), as amended by L. 1908, ch. 368, amended.

Section 1. Subdivision (b) of subdivision two of section three hundred and thirty-six of chapter seven hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act constituting the charter of the city of Rochester," as amended by chapter three hundred and sixty-eight of the laws of nineteen hundred and eight, is hereby amended so as to read as follows:

Pensions to firemen.

(b) The commissioner of public safety has power in his discretion to retire and dismiss from membership any member of the paid fire force who has performed duty therein for a period of twenty years or upwards, either as a paid or minute man,[1] upon the application in writing of such member; and also any member of the paid fire force who while in and by reason of the actual

[1] Words "and who has attained the age of fifty years," omitted.

performance of duty, and without fault or misconduct on his part, is injured and becomes permanently disabled, physically or mentally, so as to be unfitted to perform full fire duty, upon the certificate of a surgeon designated by the commissioner of public safety showing that such member is permanently disabled, physically or mentally, so as to be unfit for duty; and to thereupon grant a pension to the retired member in either of the above cases, or in his discretion to a former member of the paid fire force who performed duty in the fire force, either as a paid or minute man, provided that such former member retired from such force since the establishment of a pension fund for the paid fire department, had contributed thereto for at least five years, was qualified for pension at the time of his retirement and was not retired upon charges,[2] of an annual sum not less than one-half his salary or compensation at the time of retirement; which pension is for the natural life of the member so retired and must not be revoked, repealed or diminished.

§ 2. This act shall take effect immediately.

Chap. 71.

AN ACT to amend chapter six hundred and eighty-four of the laws of nineteen hundred and five, entitled "An act to supplement the provisions of law relating to the department of public works of the city of Syracuse," relative to the laying of dust in the streets of said city.

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of chapter six hundred and eighty-four of the laws of nineteen hundred and five, entitled "An act to supplement the provisions of law relating to the department of public works of the city of Syracuse," is hereby amended to read as follows:

L. 1905, ch. 684, § 7 amended.

§ 7. The common council shall have jurisdiction and authority, without any petition therefor or consent thereto, to order the

Sprinkling, flushing, etc., of streets.

[2] Words "or in his discretion . . . retired upon charges," new.

sprinkling, flushing, watering, laying of dust with substances other than water,[1] and cleaning of any street or part thereof and to provide for and defray the expense thereof by assessment upon the property fronting thereon. The estimated cost of such improvement shall be assessed pro rata per linear foot of frontage upon the property fronting upon the street or part thereof along which such improvement is ordered to be made, and shall be assessed, levied and collected at the same time as and as a part of the general city tax, in the manner hereinafter provided. If it shall determine to make any such improvement it shall cause a notice of the proposed improvement and of its intention to order the same to be served upon all persons interested by causing a copy of such notice to be published in five successive issues of each of the official papers (Sundays and legal holidays excepted), the last publication thereof to be at least ten days before such improvement shall be ordered, and such notice shall be deemed sufficient and no further or different notice shall be required. Such notice shall specify the time within which any person interested may object to such improvement, which time shall not expire before the regular meeting of the common council next succeeding the last publication and that in case no objection is made within the time specified all persons interested will be deemed to have acquiesced in the proposed improvement. Objection must be made in writing, subscribed by the party objecting or his duly authorized agent and delivered to the city clerk. If no such objection is so made within the time specified therefor, the common council may, at any regular meeting after the expiration of said ten days, by ordinance order the improvement to be made; but if any such objection has been so made the common council shall hear such objection and the improvement shall not be ordered except by ordinance adopted by a two-thirds vote of all the members of said common council.

Assessment of expense.

Notice of such improvement; contents and service of.

Objection.

§ 28 amended.

§ 2. Section twenty-eight of said chapter six hundred eighty-four is hereby amended to read as follows:

Contract for street improvement not to be entered into until assessment confirmed; exceptions.

§ 28. No contract shall be entered into for doing or making any work or improvement, the expense of which is to be assessed locally, other than for the sprinkling, watering, flushing, laying of dust with substances other than water,[1] or cleaning of streets or the construction or reconstruction of sidewalks or gutters until

[1] Words "laying of dust with substances other than water," new.

the assessment therefor has been confirmed, nor until after the expiration of four weeks after the assessment-roll is delivered to the treasurer for collection. All moneys realized from assessments made on account of any such improvement or from sales of property for nonpayment thereof shall be used for defraying the cost of such improvement and the payment of notes, bonds, certificates of indebtedness or other obligations made or issued on account thereof. Application of moneys realized.

§ 3. This act shall take effect immediately.

Chap. 72.

AN ACT to amend chapter seven hundred and fifty-three of the laws of nineteen hundred and seven, entitled "An act to incorporate the city of Port Jervis," generally.

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter seven hundred and fifty-three of the laws of nineteen hundred and seven, entitled "An act to incorporate the city of Port Jervis," is hereby amended by inserting therein a new section to be section seventy-seven-a, to read as follows: § 77a added to L. 1907, ch. 753.

§ 77-a. **Assessment payable in instalments.** The common council may, at the time of declaring its intention to make such local improvement, as provided in section seventy-two of this act, or at the time of the confirmation of the said assessment, as hereinbefore provided, determine by resolution that the said assessment may be paid in five equal annual instalments. If the common council shall so determine to permit the payment of said assessment in such instalments, it may provide either for the payment of the first instalment according to the provisions of section seventy-eight following, or that the same shall be collected at the time of the collection of the next city tax thereafter, and the remaining instalments in one, two, three and four years, at the time of the collection of city taxes; and the city clerk shall insert in the assessment-rolls for city taxes for such years the amounts of such instalments as they become due in each of such years, together

with the amount of such instalments in arrears, if any, and shall collect the same, with the interest due thereon, at the same time and in the same manner as provided for the collection of city taxes, and the warrant attached to such roll shall provide for the collection of such instalment or instalments. Whenever payment of such assessment is permitted to be made in instalments, as herein provided, each instalment, except the first, shall bear interest at the rate of six per centum per annum, to be estimated from the day following the expiration of the forty days allowed in the collection of said first instalment, such interest to be in addition to the fee, percentage or interest provided for in section one hundred and five of this act. Provided, however, that the owner or owners of any parcel of land or real estate, franchises, right of way, easement or other property affected by said assessment may pay any or all instalments remaining unpaid, with accrued interest, fee or percentage, at any time; and, if any such instalments, including the first, shall not be paid within the period of forty days as provided in section one hundred and five of this act, the remaining instalments of the amount assessed against said parcel of land, real estate, franchise, easement, right of way or other property, together with any accrued interest, fee or percentage, shall immediately become due and payable and may be collected in the same manner as is provided in this act for the collection of county or city taxes by sale.

§ 78 amended

§ 2. Section seventy-eight of said chapter is hereby amended to read as follows:[1]

§ 78. **Collection of local assessments.** The common council shall, provided that it determines that the whole of said assessment or the first instalment thereof shall be immediately collected, cause the proper warrant to be attached to one of said assessment-rolls, and to the other a copy of such warrant. Said warrants shall be signed by the mayor, or a majority of the members of the common council and delivered to the city clerk. Whenever the assessment-roll and the warrant for its collection for any local improvement shall be left with the city clerk, he shall, as ex-officio collector of taxes, receive the amount of the assessment thereon, or the amount of the instalment if such assessment be collectible in instalments, for the same time, and with the same fees as directed herein for the collection of city taxes, and shall give notice to that effect immedi-

[1] Section materially amended.

ately upon receipt of said assessment-roll, by publication thereof in the official newspapers of the city, in the same manner and for the same time as provided herein for the collection of city taxes. If any such assessment or instalment, as the case may be, shall remain unpaid at the expiration of six months from the time of the delivery of said assessment-roll and warrant to the city clerk, the city clerk as ex-officio collector of taxes, shall make a return of his warrant to the common council who shall proceed in the same manner directed in this act for the collection of county or city taxes by sale. The whole amount of any such assessment shall be a lien upon the lands, real estate, franchise, easements and rights of way so assessed from the day of the confirmation of the same by the common council. The common council may, in its discretion, sue for and recover in a civil action, of the owner any sum which shall remain unpaid after the expiration of six months from the date of the attachment of the warrant to the assessment-roll.

§ 3. Said chapter is hereby amended by inserting therein two new sections to be sections seventy-eight-a and seventy-eight-b, to read as follows: §§ 78a, 78b added.

§ 78-a. Whenever the common council shall at the time of the confirmation of any assessment determine that the same may be divided into five equal annual instalments as herein provided, the said common council may authorize the issue of bonds or certificates of indebtedness to an amount not exceeding four-fifths of the total amount of such assessment, which said bonds or certificates of indebtedness shall be payable one-fourth in one year; one-fourth in two years; one-fourth in three years; and one-fourth in four years from and after a date to be fixed by it, and shall be of such denomination or denominations and shall bear interest at such rate, not exceeding six per centum per annum as the said common council may determine and shall be sold at not less than par, and which said bonds or certificates of indebtedness shall be paid as they become due by the city treasurer from the funds received by him from the collection of such assessments. Bond issue where assessments divided into instalments.

§ 78-b. The proceeds from the collection of the instalments as herein provided shall constitute a fund for the purpose of paying the bonds or certificates of indebtedness issued as herein provided, but if sufficient money shall not have been realized upon any instalments to pay the said bonds or certificates of indebtedness when the same shall become due and payable, the common council may temporarily borrow on the credit of the city a sufficient sum Payment of bonds or certificates of indebtedness.

to pay the same, and all moneys hereafter realized on account of said assessment-roll or from sales for the nonpayment of the said assessments shall be used and are hereby pledged for the payment of the amount so borrowed and for the payment of said bonds or certificates of indebtedness.

§ 84 amended.

§ 4. Section eighty-four of said chapter is hereby amended to read as follows:[2]

§ 84. **Construction and repair of sidewalks, curbstones and gutters.** It shall be the duty of the owners and occupants of lands fronting on or adjoining any of the streets or avenues in said city to construct and keep in repair the sidewalks, curbs and gutters in front of their respective lots, in such manner and at such times, and of such material as the common council may, by a by-law, resolution, or ordinance for that purpose, legally direct. Whenever the common council shall deem it necessary that any sidewalk, curbstone or gutter be made, constructed, reset, relaid or repaired, it shall prescribe, by resolution or ordinance, the width and length of the sidewalk, the material to be used, the form and manner of the construction of the sidewalk, curbstone or gutter, and the time within which the work shall be done. Such improvements shall conform to the grade established, or to be established before which improvements are made. The common council shall cause to be served, at least twenty days before the expiration of the time so specified for such work to be done, upon the owners or occupants of the land adjoining such sidewalk, curbstone or gutter, so to be improved as aforesaid, a copy of such resolution or ordinance, with a notice that if the same is not done within the specified time by the owner or occupant of the adjoining land, it will be done by the said common council at the expense of such owner or occupant. Such notice shall be served upon such owner or occupant by delivering a copy thereof to him personally, or by leaving the same in his absence with some member of his family or some person of suitable age and discretion residing with him, if he be a resident of the city, or otherwise on his agent or other person having charge of the property, or by depositing the same in the post-office, properly enclosed and the postage prepaid thereon, and directed to such owner at his last known place of residence; in case such owner or his place of residence is unknown and there be no resident agent or occupant to the knowledge of the common council, such service

[2] Section materially amended.

may be made by affixing a copy of such ordinance or resolution and notice upon a conspicuous part of the premises. The common council shall also, in case service of such notice shall be otherwise than personal, cause a copy of such resolution or ordinance to be published at least once in the official newspapers of said city at least fifteen days before the expiration of the time specified for such work to be done. If there be two or more owners of any one piece of property, service upon one of them shall be sufficient. Affidavits of the publication and service of such resolutions or ordinances shall be filed and recorded, in the office of the clerk of said city, and the affidavits or the records thereof, or a certified copy of either, shall in all courts and places, actions and proceedings be prima facie evidence of the facts therein stated. In case any such improvement, act or thing so required shall not be made, done or completed as required within the time specified, the common council shall have power to make, do or complete the same, and having done so, shall, without giving any further or other notice, upon affidavits of the city engineer or the superintendent of streets and sewers, as the case may be, having the work in charge, showing the actual expense thereof, which affidavit shall be made and filed with the city clerk, proceed to assess upon each parcel or lot of land the expense of the sidewalk, curbstone or gutter immediately adjoining it, which assessment shall be final and conclusive upon all persons and parties interested in said real estate or affected thereby, and the amount so assessed, together with interest thereon, as herein stated, shall be a lien on the lands and premises against which such assessment has been made. Thereupon the common council shall cause to be sent to the owner of said property, if his address be known, an itemized statement of the expense of such improvement, and if such expense is not paid to the city clerk within thirty days, the amount thereof, with interest at the rate of twelve per centum per annum from the time of sending such statement shall be added to the amount assessed against such land for the next general city tax and the whole amount of such assessment and interest shall be collected in the same manner and with the next general city tax. If any such assessment shall remain unpaid at the expiration of six months from the time of delivery of said assessment-roll and warrant to the city clerk, the common council may proceed in the same manner directed in this act for the collection of county or city taxes by sale. The common council may also, in its discretion, sue for and recover in a civil action

of the owner any sum which the city may have paid in making such improvement. The gutters in those portions of streets paved, asphalted or macadamized, in whole or in part by local assessments, shall be kept in repair at the expense of the city. Whenever the grade of any sidewalk has been established by said city and recorded, and has been conformed to by the owner of such property, any change of grade thereafter made by the city shall be made at the expense of the city.

§ 5. This act shall take effect immediately.

Chap. 73.

AN ACT to amend chapter five hundred and eighty of the laws of nineteen hundred and two, entitled "An act in relation to the municipal court of the city of New York, its officers and marshals," in relation to pleadings.

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1902, ch. 580, § 145, subd. 2 amended.

Section 1. Subdivision two of section one hundred and forty-five of chapter five hundred and eighty of the laws of nineteen hundred and two, entitled "An act in relation to the municipal court of the city of New York, its officers and marshals," is hereby amended to read as follows:

When answer or demurrer to be written; when answer to be verified; exceptions.

2. In all cases where a written complaint, verified or unverified, is served with the summons, a written answer, verified if the complaint be verified, or written demurrer, must be filed and issue joined on return day, except as otherwise expressly prescribed in this act, unless, the court further extends the time to answer or demur. [1]In actions, however, in which the amount claimed is fifty dollars or less, and the complaint is written, verified or unverified, and the defendant appears in person, the court may, in its discretion, permit the defendant to plead orally and indorse the substance thereof upon the summons.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

[1] Following sentence new.

Chap. 74.

AN ACT to amend chapter seven hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act constituting the charter of the city of Rochester," in relation to salaries.

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-five of chapter seven hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act constituting the charter of the city of Rochester," is hereby amended to read as follows: L. 1907, ch. 755, § 65 amended.

§ 65. **Salaries.** The board of estimate and apportionment has authority, except as otherwise provided herein or by law, to fix the salaries and compensation of all officers and employees of the city, and to determine that any officer is not to receive salary; but the annual salary of the police justice must be fixed at not less than three thousand five hundred dollars, and of each of the judges of the municipal court at not less than three thousand dollars; and the salary of every officer and employee must be fixed before his election or appointment, and must be fixed for the entire term of officers and employees elected or appointed for a definite term [1]except where two or more persons are elected at the same time or at different times, to a like office in the same department, in which case the salary of said officers shall be fixed immediately after this section as amended takes effect and thereafter whenever a vacancy shall occur in any of the offices so held, but before the election in which the vacancy so occurring is to be filled by the votes of the people. The salary or compensation of officers and employees not elected or appointed for a definite term may be changed during the month of January of any year.

§ 2. This act shall take effect immediately.

[1] Remainder of sentence new.

Chap. 75.

AN ACT to revive an act inadvertently repealed by chapter seven hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act constituting the charter of the city of Rochester."

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1877, ch 416 revived.

Section 1. Chapter four hundred and sixteen of the laws of eighteen hundred and seventy-seven,[1] which was inadvertently repealed by chapter seven hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act constituting the charter of the city of Rochester," is hereby revived and re-enacted, and shall be of the same force and effect as if it had not been so repealed, and all actions taken and proceedings had thereunder are hereby ratified and confirmed.

§ 2. This act shall take effect immediately.

Chap. 76.

AN ACT to amend chapter two hundred and forty of the laws of nineteen hundred and three, entitled "An act to authorize the city of Buffalo to acquire lands, by purchase or otherwise, for the construction, maintenance, control and operation of a system of waterworks, and to issue its bonds to carry out such purpose," generally.

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1903, ch. 240, § 6 amended.

Section 1. Section six of chapter two hundred and forty of the laws of nineteen hundred and three, entitled "An act to author-

[1] Amending "code of remedial justice" (L. 1876, ch. 448), and changing its name, as given by L. 1876, ch. 449, § 1, to the "code of civil procedure."

ize the city of Buffalo to acquire lands, by purchase or otherwise, for the construction, maintenance, control and operation of a *ssystem of waterworks, and to issue its bonds to carry out such purpose," is hereby amended so as to read as follows:

Bond issue authorized.

§ 6. It shall be lawful for the city of Buffalo to issue its bonds in a sum not to exceed one million dollars[1] for the purpose of raising money to acquire all lands, waters, easements, property, tenements, hereditaments, rights, privileges and franchises, and any fountains, dams, mains, pipes, conduits, hydrants, machinery and all other real and personal property whatsoever necessary for the acquisition, construction, equipment and extension[2] of said waterworks, and for the purpose of contracting for the execution of said work or any part thereof, and for supplying any and all the necessary materials therefor, as provided in this act; such bonds to bear interest at a rate not exceeding four and one-half per centum[3] per annum, payable semi-annually at the office of the comptroller of the city of Buffalo, or at the Gallatin National Bank in the city of New York, as the purchaser may elect, the principal to be payable at the end of twenty years from the date of such bonds.[4] Such bonds shall be issued from time to time as may be ordered by the common council, by the mayor and comptroller, under the city seal, and shall be sold or awarded, as provided in section four hundred and ninety-two of the charter, being chapter one hundred and five of the laws of eighteen hundred and ninety-one and the acts amendatory thereof. The common council shall make provision for the payment of the interest on and the principal of said bonds, as the same shall become due, in the general fund estimates of said city.

Bonds, rate of interest, etc.

Issue and sale.

Payment of principal and interest.

§ 2. This act shall take effect immediately.

* So in original.

1 Formerly $500,000.

2 Words "equipment and extension," new. Words "maintenance, control and operation," omitted.

3 Formerly 3½%.

4 Words "the principal to be payable at the end of twenty years from the date of such bonds" substituted for provision requiring payment of not less than one-fiftieth nor more than one-twentieth yearly.

Chap. 77.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," relative to the annual budget of the board of education.

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1892, ch. 182, § 229j, as amended by L. 1894, ch. 10, L. 1907, ch. 165, and L. 1910, ch. 49, amended.

Section 1. Section two hundred and twenty-nine-j of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," as amended by chapter ten of the laws of eighteen hundred and ninety-four, as further amended by chapter one hundred and sixty-five of the laws of nineteen hundred and seven, as further amended by chapter forty-nine of the laws of nineteen hundred and ten, is hereby amended to read as follows:

Annual statement of sums necessary for school.

§ 229-j. [1]Said board shall, on or before the first day of April, in each year,[2] present to the mayor or acting mayor, of the city of Mount Vernon, a statement of such moneys as it may deem necessary for each of the following purposes until the next annual statement, namely:

1. For wages of superintendent and teachers, after applying such of the public school and other moneys as may be applicable thereto.

2. For the maintenance of a high school,[3] and the payment of the teachers thereof after applying such of the public school and other moneys as may be applicable thereto.

3. For the repair of schoolhouses, outhouses and grounds with their appendages and appurtenances.

4. For the purchase, repair or improvement of school apparatus, books, furniture and fixtures.

5. For the purchase, maintenance and care of the free public

[1] Words "Within thirty days after the first organization of the board of education hereby created, and on or before the first day of May in each year hereafter," omitted.

[2] Words "on or before the first day of April, in each year," new.

[3] Words "if one shall have been established," omitted.

library and of the school and academic libraries, but not to exceed fifteen thousand dollars in any one year.

6. For the rent of schoolhouses and rooms for school purposes, the purchase of fuel and lights, and to pay the contingent expenses of the district, including the wages of clerk, janitors, and other assistants and employees, and incidental expenses.

7. For such other purposes as required by the provisions of this act.

Action of mayor thereon.

If the mayor or acting mayor approves such statement, he shall sign it, and immediately file the same with the city clerk; if he does not approve any item therein he shall, within two days, return the statement, with his objections indorsed thereon or annexed thereto, to the president or clerk of the board of education. Said board shall then proceed to reconsider such statement, and if three-fifths of all the members then in office agree to sustain the statement as made, it shall stand as if it had been approved by the mayor, and shall be immediately filed with the city clerk. If three-fifths of the members of said board do not agree to sustain the statement as made, it shall be modified so as to conform to the views expressed by the mayor in his objections, and he shall then sign it and file it with the city clerk. If the mayor or acting mayor fails to sign a statement of moneys required, as herein provided, or fails to return such statement, with his objections thereto, to the board of education, within two days after its submission, said statement shall be filed with the city clerk in the same manner as if it had been approved. When such statement is filed with the city clerk, the common council of said city shall include the amount therein called for in the annual tax and assessment-roll for that year, and the amount so certified shall be collected and paid to the city treasurer who will credit it to the general school fund of the board of education. All public moneys or public funds belonging or appropriated to the use of said district shall be paid to the treasurer of said city, who shall keep the same separate from the general funds of the city, and shall credit to the school fund the moneys or property belonging thereto. The board of education shall disburse all the funds of said district by orders upon the treasurer, signed by its clerk and countersigned by its president. Said orders shall be numbered consecutively, and shall specify the purpose for which they are drawn and the person to whom payable. Upon the request from said board the treasurer shall certify, from time to time, the balance remaining to the credit of said school fund. Whenever any moneys are collected by or paid to the city treasurer

Veto, how reconsidered or conformed to.

Failure to return statement.

Annual tax.

School fund.

Disbursement of funds.

Not to be diverted.

for school purposes, it shall not be lawful for said treasurer to apply such money, or any part thereof, to any other purpose or object.

§ 2. This act shall take effect immediately.

Chap. 78.

AN ACT to amend chapter five hundred and fifty-four of the laws of eighteen hundred and ninety-nine, entitled "An act to establish a police pension fund for the city of Albany," relative to regulating pensions and increasing same.

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1899, ch. 554, § 3, subds. 1, 2 amended.

Section 1. Subdivisions one and two of section three of chapter five hundred and fifty-four of the laws of eighteen hundred and ninety-nine, entitled "An act to establish a police pension fund for the city of Albany," are hereby amended to read as follows:

Pensions to widows or children.

1. To the widow of any member of the police force who shall have been killed while in the actual performance of duty or shall have died within six months[1] from the effects of any injury received while in the actual discharge of such duty, the sum of five hundred dollars absolute; but if there be no such widow, then such sum may be divided between the child or children under eighteen years of age, of such member of said police force in such proportions and in such manner as the board may direct.

To members of force.

2. To any member of such police force who whilst in the actual performance of duty and by reason of the performance of such duty and without fault or misconduct on his part shall have become permanently disabled, through injuries received,[2] so as to be unfitted to perform full police duty, one-half of the salary of

[1] Words "within six months" new.

[2] Words "through injuries received" new. Words "physically or mentally" omitted.

such member, which shall not be less than five hundred dollars,[3] shall be paid to him annually during his lifetime. [4]To any member of such police force, who shall have served not less than ten years in the police department, who shall have become permanently incapacitated, physically or mentally, so as to be unfitted to perform full police duty, one-half of the salary of such member, which shall not be less than five hundred dollars, shall be paid to him annually during his lifetime.

§ 2. Section four of such act is hereby amended to read as follows: § 4 amended.

§ 4. The commissioner of public safety[5] may release, and dismiss from the force and service, any member of the police force upon a certificate of the police surgeon or surgeons showing that such member, of whatever age, who has served twenty years, is permanently disabled, physically or mentally, so as to be unfit for duty, and place upon the roll of the police pension fund and award and grant to be paid to such member, from said police pension fund, an annual pension during his lifetime of[6] one-half of the full salary or compensation of such member so retired, which shall not be less than five hundred dollars.[7] Pensions granted under this section shall be for the natural life of the pensioner and shall not be revoked, repealed or diminished. Retirement and pension of disabled members after twenty years service.

§ 3. This act shall take effect immediately.

[3] Formerly not over $600 nor less than $450.
[4] Following sentence new.
[5] Formerly "police board."
[6] Words "not less than" omitted.
[7] Formerly not over $600 nor less than $450.

Chap. 79.

AN ACT to authorize the board of estimate and apportionment of the city of New York to inquire into, audit and cause the payment of the claims of Arthur C. Quinn, Thomas Kenny and John Kearney, for services rendered to the county of Kings, in the discretion of such board.

Became a law April 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The claims of Arthur C. Quinn, Thomas Kenny and John Kearney, or of either of them, for work, labor and services rendered to the county of Kings as van drivers in the years nineteen hundred and seven and nineteen hundred and eight may be presented to the board of estimate and apportionment of the city of New York, within six months after this act takes effect, and such board may, and it is hereby empowered, in its discretion, to inquire into, hear and determine all or either of such claims so presented, and to audit and allow the same or any of them, with interest, or any part of either of such claims, to the extent that the same may be found reasonable and just. In case such board shall allow all or any of said claims it shall forthwith certify to the comptroller of said city the amount allowed to each claimant. The comptroller of said city is hereby authorized and directed to raise such sum or sums of money as may be necessary to pay any such claim or such part of either as may be audited and allowed by said board as hereinbefore provided, by the issuance and sale of certificates of indebtedness of said city, and to apply the proceeds thereof in payment of the amounts so audited and allowed.

§ 2. This act shall take effect immediately.

Chap. 80.

AN ACT to validate certain bonds of the city of Jamestown.

Became a law April 26, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to bond issue legalized.

Section 1. All acts and proceedings of the aldermen and other boards, officers, agents and employees of the city of Jamestown affecting the issuance and sale, or relating to, the bonds of said city hereinafter enumerated and described, are hereby in all things legalized, ratified and confirmed, and such bonds are hereby validated and constituted legal and binding obligations of said city according to their terms and conditions; such bonds are described as follows: Four per centum city hall bonds of eighteen hundred and ninety-five for sixty-five thousand dollars, maturing in nineteen hundred and twenty-five; four per centum paving bonds of nineteen hundred and two for three thousand dollars, maturing in nineteen hundred and twelve; four per centum paving bonds of nineteen hundred and nine for three thousand dollars, maturing in nineteen hundred and eighteen; four per centum paving bonds of nineteen hundred and nine for three thousand eight hundred and fifteen dollars and forty-nine cents, maturing in nineteen hundred and eighteen; four per centum paving bonds of nineteen hundred and nine for ten thousand five hundred and seventy-nine dollars and forty-six cents, maturing in nineteen hundred and nineteen; four per centum paving bonds for ten thousand and seventy-nine dollars and fourteen cents, maturing in nineteen hundred and nineteen; four and one-half per centum paving bonds for seven thousand three hundred and nineteen dollars and sixty cents, maturing in nineteen hundred and twenty; four per centum electric lighting refunding bonds of nineteen hundred and one for twenty-one thousand dollars, maturing annually from nineteen hundred and eleven to nineteen hundred and thirty-one; four per centum electric light refunding bonds of nineteen hundred and three for twenty-two thousand dollars, maturing annually from nineteen hundred and eleven to nineteen hundred and thirty-two; four per centum electric lighting refunding bonds maturing in nineteen hundred and thirty-three;

Bonds validated.

three and one-half per centum sewer bonds of eighteen hundred and ninety-three for fifty thousand dollars, maturing in nineteen hundred and twenty-three; four per centum sewer bonds of eighteen hundred and ninety-three for one hundred and eleven thousand dollars, maturing in nineteen hundred and twenty-three; four per centum sewer bonds of eighteen hundred and ninety-seven for fifty thousand dollars, maturing in nineteen hundred and seventeen; four per centum sewer bonds of eighteen hundred and ninety-eight for twenty thousand dollars, maturing in nineteen hundred and eighteen; three and one-half per centum sewer bonds of nineteen hundred for twenty thousand dollars, maturing in nineteen hundred and twenty; four per centum sewer bonds of nineteen hundred and one for twenty-five thousand dollars, maturing in nineteen hundred and twenty-one; four per centum sewer bonds of nineteen hundred and two for twenty thousand dollars, maturing in nineteen hundred and twenty-two; four per centum sewer bonds of nineteen hundred and eight for forty-two thousand dollars, maturing in nineteen hundred and twenty-eight; four and one-half per centum hospital bonds of nineteen hundred and ten for fifty thousand dollars, maturing in nineteen hundred and thirty; four per centum park bonds of nineteen hundred and eight for twenty thousand dollars, maturing in nineteen hundred and thirty-eight; four per centum fire department bonds of nineteen hundred and two for nine thousand dollars, maturing in nineteen hundred and twelve; four per centum refunding paving bonds of nineteen hundred and five for eight thousand dollars, maturing annually nineteen hundred and eleven to nineteen hundred and eighteen; four and one-half per centum bridge bonds of nineteen hundred and ten for fifty thousand dollars, maturing in nineteen hundred and thirty.

Pending actions.

§ 2. This act shall take effect immediately, but nothing contained herein shall affect any action or proceeding now pending in any court.

Chap. 81.

AN ACT to extend the time to finish the Troy, Rensselaer and Pittsfield railroad and put the same in operation.

Became a law April 26, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The time within which Troy, Rensselaer and Pittsfield Railroad Company is required by law[1] to finish its road and put it in operation is hereby extended to the first day of May, nineteen hundred and fourteen.[2]

§ 2. This act shall take effect immediately.

Chap. 82.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," relative to the appointment of public officers in the city of Mount Vernon.

Became a law April 27, 1911, with the approval of the Governor. Passed, three-fifths being present.

Passed without the acceptance of the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," as amended by chapter six hundred and ninety-two of the laws of eighteen hundred and ninety-six, as amended by chapter two hundred and two of the laws of nineteen hundred and one, as amended by chapter two hundred and four of the laws of nineteen hundred and six, as amended by chapter one hundred and fifteen of the laws of nineteen hundred and eight, as amended by chapter fifty-one of the laws of nineteen hundred and ten is hereby amended so as to read as follows:

L. 1892, ch. 182, § 12, as amended by L. 1896, ch. 692, L. 1901, ch. 202, L. 1906, ch. 204, L. 1908, ch. 115 and L. 1910, ch. 51, amended.

[1] See railroad law (L. 1910, ch. 481), § 12; and L. 1910, ch. 478.

[2] See L. 1906, ch. 252.

Appointive officers; salaries.

§ 12. The appointive officers of the city shall be a commissioner of public works, a counsel to the corporation, a city clerk, one fire commissioner[1] who shall receive a salary to be fixed by the common council, to be paid monthly, from which salary the said commissioner shall pay a secretary or clerk, to be appointed by him,[2] one commissioner of charities whose salary shall be a sum per annum, payable monthly, to be fixed by the common council of said city, one health officer whose salary shall be a sum per annum to be fixed by the common council of said city, one constable for each ward, and one poundmaster whose salary shall be five hundred dollars per annum.[3] All of the officials shall be appointed by the mayor. Any of said appointive officers may be removed at the pleasure of the mayor and their successors appointed within sixty days after the beginning of any mayoralty term and within sixty days after the passage of this act. All fees which the health *officers of the city of Mount Vernon may at the time of the passage of this act be entitled to receive for any services whatsoever rendered by him under chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two as amended or added to by any supplemental acts, or any fees to which he may now be entitled by reason of any general statute, or by the provisions of the public health law[4] relative to local boards of health for services which may be extraordinary or extra hazardous by reason of epidemic or otherwise in so far as they relate to said health officer, as well as all fees and perquisites which are payable to said health officer and received by him, shall be paid over to the city treasurer of the said city, within thirty days after the same shall have been received by the said health officer.

Appointment. Removal.

Fees of health officer to be paid to treasurer.

§ 12, as amended by L. 1901, ch. 202, amended.

§ 2. Section thirteen of title two of said act as amended by chapter two hundred and two of the laws of nineteen hundred and one is hereby amended so as to read as follows:

Terms of appointive officers.

§ 13. The terms of office of all appointive officers, heretofore appointed, or hereafter to be appointed by the mayor now in office, or hereafter to be appointed on or before the passage of this act by the person performing the duties of the mayor, shall commence as soon after their appointment as they may qualify, as provided

* So in original.

1 Formerly "three fire commissioners."

2 Words "who shall receive . . . appointed by him," new.

3 Words "all of whom shall be nominated and with the consent of the common council, appointed by the mayor," omitted. Next two sentences new.

4 L. 1909, ch. 49, § 21, as amended by L. 1909, ch. 480.

by law; and shall terminate upon the completion of the term of office for which the mayor appointing them was elected, and until their successors in office have been duly appointed and qualified, unless in this act otherwise provided.[5]

§ 3. Section thirty-four of title three of said act as amended by chapter fifty-one of the laws of nineteen hundred and ten is hereby amended so as to read as follows:

§ 34, as amended by L. 1910, ch. 51, amended.

§ 34. The mayor of the city of Mount Vernon shall be the chief executive magistrate thereof, and shall when present preside at all meetings of the common council. It shall be his duty to take care that, within said city, the laws of this state and ordinances and by-laws passed by the common council be faithfully executed, and to arrest, or cause the arrest of all persons violating the same, to exercise a constant supervision over the conduct of all subordinate officers; to nominate and[6] appoint all appointive officers; to receive and examine into all complaints against them for misconduct or neglect of duty, and to report the facts to the common council; to recommend to the common council, from time to time, such measures as he shall deem necessary or expedient for them to adopt; to expedite or cause to be carried out all such orders, resolutions or ordinances which shall have passed the common council for the expenditure of money, or of a legislative character, and if he approves he shall indorse his approval thereon in writing, and sign such approval; if he disapproves he shall return such transcript to the common council or the clerk thereof, with his objections in writing, which shall be filed by the clerk, and the common council shall, at its next meeting thereafter, proceed to reconsider such ordinance, resolution, orders, or acts thus disapproved; and if the same shall be passed by two-thirds of all the members of the common council then in office, the same shall have full force and effect notwithstanding the objections of the mayor. If any such transcript shall not be returned by the mayor to the common council or clerk within ten days after it shall have been presented to him, such ordinance, resolution, order or act shall have full force and effect in like manner as if duly approved by the mayor, unless the term of office of mayor shall expire within ten days after such transcript shall be presented to him, in which case such ordinance, resolution, order or act shall have no force. He shall have power summarily to revoke the

Mayor; powers and duties.

[5] Words "unless in this act otherwise provided," new.
[6] Words "with the consent of the common council," omitted.

license of any hackman, cartman, or for the exhibition of any show. He shall have power summarily to hear, try and determine any complaint against any appointed officer of said city for misconduct or neglect of duty, and to suspend said officer until the next meeting of the common council. He shall sign all appointments,[7] and all warrants ordered by the common council for the payment of moneys by the city treasurer. He is also empowered to enter any house or building which he has cause to suspect to be a gambling house, or to be inhabited by persons of ill-fame, or to which persons of dissolute, idle or disorderly character resort, and to disperse the same, or arrest such persons and hold them until they can be dealt with before some proper magistrate according to law. He shall have power to administer oaths and take affidavits, and take the proof and acknowledgment of deeds within said city. In case the mayor shall be unable to perform the duties of his office in consequence of continued sickness or absence from the city, the president of the common council who is to be chosen in the manner hereinafter to be provided for shall be vested with all the powers, and perform all the duties of the mayor of the city, until the mayor shall resume his office, or the vacancy shall be supplied according to law. The mayor of the city of Mount Vernon shall possess all the powers and authority conferred upon the mayors of cities by any general statute of the state; he shall have power to apprehend and arrest any person who shall, within his view, in said city be guilty of any criminal act or of any violation of the laws or statutes of the state; he may also upon complaint being made to him under oath, issue a warrant to the chief of police, or any police officer in the city of Mount Vernon, to arrest any person charged with any crime or misdemeanor, or with any violation of any law or statutes of said state, within such city, and bring such persons for examination or trial either before him, the said mayor, or before the city judge or acting city judge. Any such warrant may be executed by any officer to whom it is directed, at any place within the state. If such process shall be made returnable before the city judge or acting city judge, such officer, upon the same being returned to him, or the prisoner arrested by virtue thereof being brought before him, shall take and acquire jurisdiction of the subject-matter and proceed with the case to the same extent and in the same manner, in all respects,

[7] Words "made by the common council," omitted.

as if such process had been originally issued by him. Whenever any person shall be arrested by the mayor of said city for any offense committed within his view or by process originally returnable before himself, he may, by an order in writing, transfer the case to the city judge, who shall thereupon take and acquire jurisdiction and proceed with such case in the same manner and to the same extent as if such person had been arrested or such process originally issued by him. The mayor shall receive for his services a salary per annum, payable monthly, the amount of which salary shall be fixed by the common council of said city.

§ 4. Section one hundred and sixty-one of title six of said act, as amended by chapter six hundred and ninety-two of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

§ 161, as amended by L. 1896, ch. 692, amended.

§ 161. A majority of the common council shall be a quorum for the transaction of business, and in the absence of a quorum at the time appointed for any meeting the mayor and three aldermen present, or four aldermen, shall have power to compel the attendance of, send for absent members, in order to make up a quorum. No tax or assessment shall be ordered,[8] except by a concurring vote of a majority of all the members of the common council in office, including the mayor, who shall be entitled to vote thereon as a member of the common council. The vote thereon in each case is to be ascertained by taking and recording the ayes and nays and no tax levy, assessment, bill, order, resolution or ordinance shall take effect until same shall have received the approval of the mayor, or shall take effect without such approval, as hereinbefore provided.

Quorum of common council.

Vote necessary for tax.

Approval of mayor.

§ 5. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

[8] Words "or any appointment to office made," omitted.

Chap. 83.

AN ACT to legalize all marriages heretofore solemnized by certain police justices and acting police justices of the village of Port Chester, Westchester county.

Became a law April 28, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All marriages heretofore solemnized by Wilson F. Wakefield, Arthur R. Wilcox, or Thomas F. J. Connolly as police justice of the village of Port Chester, Westchester county, or by William Baruch, or Robert H. George, as acting police justice of said village, and for which licenses were duly issued, which, with the proper certificates attached thereto and signed, were returned, filed and recorded in the offices in which the same were by law required to be filed and returned, are hereby legalized, ratified and confirmed, and shall in all respects be as valid and effectual as though solemnized by any person authorized by the domestic relations law[1] to solemnize marriages.

§ 2. This act shall take effect immediately.

Chap. 84.

AN ACT to legalize, ratify and confirm certain bonds of the town of Philadelphia, Jefferson county, to be issued for bridge purposes and to legalize, ratify and confirm all proceedings in relation to the issuance and sale thereof; to regulate the delivery of such bonds and provide for their payment.

Became a law April 29, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to bond issue legalized.

Section 1. All the acts and proceedings of the town board of the town of Philadelphia, Jefferson county, New York, its officers and agents, in calling a special town meeting held on the twenty-first

[1] L. 1909, ch. 19. See § 11.

day of February, nineteen hundred and ten, for the purpose of determining upon a proposition for borrowing money for building three new bridges over the public highways of said town; the holding of said special town meeting and the adoption of such a proposition by the qualified voters thereof; the acts and proceedings of the said town board petitioning the board of supervisors for authority to issue said bonds; the proceedings of the board of supervisors for authority to issue said bonds; the proceedings of the board of supervisors authorizing such town to issue its bonds for that purpose, and all acts of said town board leading up to and including the sale and award on the thirty-first day of January, nineteen hundred and eleven, of the bonds of said town in the amount of eight thousand dollars for the building of such bridges, are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity, or the omission of any lawful requirements in such acts and proceedings.

Bonds awarded legalized.

§ 2. All and each of said bonds so sold and awarded as aforesaid consisting of eight registered bonds of the denomination of one thousand dollars each, dated as of February first, nineteen hundred and eleven, with interest thereon at the rate of four and one-half per centum per annum, payable semi-annually on August first and February first each year at the banking house of the Watertown Savings Bank at the city of Watertown, New York, and to mature and become payable as follows: Bond number one to mature and be due February first, nineteen hundred and thirteen, and one bond as consecutively numbered to mature and be due on the first day of February in each year thereafter, until the whole of such principal sum is fully paid, with interest thereon as above specified, are hereby legalized, and the supervisor of said town is hereby directed to consummate the sale thereof by delivering said bonds to the purchaser to whom the same were awarded on the said thirty-first day of January, nineteen hundred and eleven, or to the assignee or nominee of said purchaser, upon the receipt of the par value and premium offered for said bonds, and said bonds when signed by the supervisor and town clerk of said town and delivered to and paid for by said purchaser, or delivered to and paid for by any other purchaser or purchasers, as hereinafter provided, shall become and be valid obligations of said town.

Consummation of sale directed.

Bonds validated.

Resale.

§ 3. In case the party to whom said bonds were awarded shall for any reason decline to consummate the purchase thereof as above provided, the said town shall advertise and sell said bonds in the manner prescribed by law.

Supervisor to give bond.

§ 4. The supervisor of said town, before delivering any of said bonds, shall make and execute to the town clerk of such town in behalf of and for the benefit of said town a good and sufficient bond or obligation in a penal sum twice the amount of said bonds so executed and delivered, conditioned for the faithful performance of his duties in the issuing of said bonds and the lawful application of the funds arising therefrom, and of the funds that may be raised by tax or otherwise for the payment of said bonds and the interest thereon which may come into his hands. Said bond or obligation shall be approved by the town board of said town and filed in the office of the town clerk.

Tax for payment.

§ 5. The board of supervisors of the county of Jefferson shall assess and levy upon the taxable property of the said town of Philadelphia a sufficient sum to pay the principal and interest of said bonds as the same shall respectively become due, and the same so assessed and levied shall be raised annually by tax at the time and in the manner that the town, county and state taxes are assessed, levied and collected in said town; and when so raised, said money shall be paid to the supervisor of said town who shall apply the same to the payment of the principal and interest of said bonds as the same shall respectively become due.

Pending actions.

§ 6. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect.

Chap. 85.

AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled, "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," relating to the selection of grand jurors.

Became a law April 29, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1882, ch. 410, § 1649, as amended by L. 1910, ch. 549, amended.

Section 1. Section sixteen hundred and forty-nine of the * laws of eighteen hundred and eighty-two, entitled, "An act to consolidate into one act and to declare the special and local laws affecting

* So in original.

public interests in the city of New York," as amended by chapter five hundred and forty-nine of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 1649. Grand jurors for the said courts shall be drawn by the commissioner of jurors in and for the county of New York, or one of his assistants, in the presence and with the assistance of the county clerk, or his deputy, the sheriff or under sheriff of said county and one or more judges of a court of record elected in said county. Notice of the time and place of the drawing of each such grand jury shall be given by the said commissioner of jurors to the said county clerk and sheriff and to the clerk of the said court of general sessions and to one or more judges of a court of record elected in said county. Each such grand jury shall be drawn by drawing from the grand jury box so many of the ballots placed therein as above provided, as shall equal in number the grand jury to be drawn. A minute of such drawing shall be kept, containing the names of the persons drawn and specifying for what court and what term they were drawn, which minute must be certified by the officer drawing the same and the officers and judges in whose presence as attending officers and judges for that purpose such drawing was made, and filed in the office of the commissioner of jurors[1] in said county. Grand jurors, how drawn.

§ 2. This act shall take effect immediately.

Chap. 86.

AN ACT to amend the town law, in relation to division fences.

Became a law April 29, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections three hundred and sixty, three hundred and sixty-one and three hundred and sixty-nine of chapter sixty-three of the laws of nineteen hundred and nine, entitled "An act relating to towns, constituting chapter sixty-two of the consoli- L. 1909, ch. 62, §§ 360, 361, 369 amended.

[1] Formerly "clerk."

dated laws," are hereby amended to read, respectively, as follows:

§ 360. **Apportionment of division fence.** Each owner of two adjoining tracts of land, except when they otherwise agree, shall make and maintain a just and equitable portion of the division fence between such lands, unless [1]both of said adjoining owners shall agree to let their said lands lie open, along the division line, to the use of all animals which may be lawfully upon the lands of either. When the adjoining lands shall border upon any of the navigable lakes, streams or rivers of the state, the owners of the lands shall make and maintain the division fence between them down to the line of low water mark, in such lakes, streams or rivers, except those lands which overflow annually so as to be so submerged with water that no permanent fence can be kept thereon, and known as low flat lands; and when adjoining lands shall be bounded by a line between the banks of streams of water not navigable, and the owners or occupants thereof cannot agree upon the manner in which the division fence between them shall be maintained, the fence viewers of the town shall direct upon which bank of the stream, and where the division fence shall be located, and the portion to be kept and maintained by each adjoining owner.

§ 361.[2] **Lands lying open.** When the owners of adjoining lands shall choose to let them lie open, as provided in section three hundred and sixty, neither of such owners shall be liable to the other in any action or proceeding for any damages done by animals lawfully upon the former's premises going upon the lands so lying open or upon any other lands of the owner thereof through such lands so lying open. Either owner of any lands so lying open and adjoining, may, unless the agreement is for a specified period, and after such agreement has expired may then have the same inclosed, by giving written notice to that effect to the owners or occupants of the adjoining lands, whereupon it shall be the duty of both parties to build and maintain their several proportions of a division fence.

§ 369. **Use of barbed or other[3] wire for division fence.** Barbed or other[3] wire may be used in the construction of any division fence, provided, however, that the person or corporation desiring to use such material shall first obtain from the

[1] Remainder of sentence materially amended.
[2] Section materially amended.
[3] Words "or other" new.

owner of the adjoining property his written consent that it may be so used. If the owner of the adjoining property refuses to consent to the building of such a fence, it may nevertheless be built in the following manner: The fence shall be of at least[4] four strands of wire with a sufficient bar of wood at the top; and the size of such top bars and of the posts and supports of such fence, and their distances apart, shall be such as the fence viewers of the town may prescribe, [5]and with the posts no further apart than fourteen feet; and such fence shall be otherwise substantially built and a reasonably sufficient inclosure for holding the particular kind or class of cattle or animals usually pastured on either side of the fence. [6]Nothing contained in section three hundred and sixty-seven shall be construed to authorize the electors of any town to prohibit the use of wire fences, for division fences, if such fences comply with the requirements of this section. Whenever such fence shall become so out of repair as to be unsafe, it shall be the duty of the owner or owners to immediately repair the same. But any person building such a fence without the written consent of the owner of the adjoining property shall be liable to all damages that may be occasioned by reason of such fence. But this section shall not be so construed as to permit railroad corporations to use barbed wire in the construction of fences along their lines contrary to the provisions of section fifty-two of the railroad law.[7]

§ 2. This act shall take effect immediately.

[4] Words "at least" new.
[5] Remainder of sentence new.
[6] Following sentence new.
[7] L. 1910, ch. 481.

Chap. 87.

AN ACT to ratify and confirm the proceedings of the village of Angola in the county of Erie in the matter of the sale and issuance of its bonds in the amount of fifty-five thousand dollars for the construction of a water works system in and for said village and to legalize said bonds and to provide for the payment of the interest and principal thereof.

Became a law April 29, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to bond issue ratified.

Section 1. All the acts and proceedings of the village of Angola in the county of Erie, done and performed by its qualified voters, board of trustees, officers and agents, leading up to and including the sale and award of its bonds in the aggregate amount of fifty-five thousand dollars for the construction of a water works system for said village in accordance with maps and profiles therefor approved by the state water supply commission, are hereby ratified and confirmed, notwithstanding any defect or irregularity, or the omission of any lawful requirement in such acts and proceedings.

Bonds validated.

§ 2. All, and each, of said bonds so sold and awarded, consisting of twenty-five coupon bonds of the denomination of two thousand two hundred dollars each, numbered one to twenty-five inclusive, dated December first, nineteen hundred and nine, and payable one bond as consecutively numbered on the first day of December in each of the years nineteen hundred and fifteen to nineteen hundred and thirty-nine inclusive, with interest thereon at the rate of four and one-half per centum per annum, payable semi-annually, on the first day of June and December in each year until the principal sum thereof is fully paid, signed by the president and treasurer and attested by the clerk under the corporate seal of said village, are hereby declared to be valid and legal obligations of said village and the treasurer of said village is hereby authorized and directed to deliver said bonds to the purchaser thereof or his assignee or nominee, upon the receipt of the amount for which said bonds were sold.

Delivery directed.

Tax for payment.

§ 3. The proper officers of said village are hereby authorized and directed to raise annually by tax in the manner provided by

law, a sum sufficient to pay the interest and the principal of said bonds as the same shall become due.

§ 4. This act shall not affect any action or proceeding pending in any court at the time the same takes effect. Pending actions.

§ 5. This act shall take effect immediately.

Chap. 88.

AN ACT to amend the highway law, in relation to state and county highways in cities of the third class.

Became a law April 29, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirty-seven of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," as amended by chapter two hundred and thirty-three of the laws of nineteen hundred and ten, is hereby amended to read as follows:[1] L. 1909, ch. 30, § 137, as amended by L. 1910, ch. 233, amended.

§ 137. **State and county highways in villages and cities of the third class.** A state or county highway may be constructed through a city of the third class or a village in the same manner as outside thereof, unless the street through which it runs has, in the opinion of the commission, been so improved or paved as to form a continuous and improved highway of sufficient permanence as not to warrant its reconstruction, in which case such highway shall be constructed or improved to the place where such paved or improved street begins. If it is desired to construct or improve any portion of a state or county highway within such village or city of the third class at a width greater than that provided for in the plans and specifications therefor, or if a modification of the plans and specifications is desired by which the cost thereof is increased, the board of trustees of such village or common council of such city shall petition the commission by resolution, to so modify such plans and specifications as to provide for such construction. The commission shall thereupon cause the plans, specifications and

[1] Provisions relating to construction of *county* highways through cities of the third class new.

Chap. 87.

AN ACT to ratify and confirm the proceedings of the village of Angola in the county of Erie in the matter of the sale and issuance of its bonds in the amount of fifty-five thousand dollars for the construction of a water works system in and for said village and to legalize said bonds and to provide for the payment of the interest and principal thereof.

Became a law April 29, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to bond issue ratified.

Section 1. All the acts and proceedings of the village of Angola in the county of Erie, done and performed by its qualified voters, board of trustees, officers and agents, leading up to and including the sale and award of its bonds in the aggregate amount of fifty-five thousand dollars for the construction of a water works system for said village in accordance with maps and profiles therefor approved by the state water supply commission, are hereby ratified and confirmed, notwithstanding any defect or irregularity, or the omission of any lawful requirement in such acts and proceedings.

Bonds validated.

§ 2. All, and each, of said bonds so sold and awarded, consisting of twenty-five coupon bonds of the denomination of two thousand two hundred dollars each, numbered one to twenty-five inclusive, dated December first, nineteen hundred and nine, and payable one bond as consecutively numbered on the first day of December in each of the years nineteen hundred and fifteen to nineteen hundred and thirty-nine inclusive, with interest thereon at the rate of four and one-half per centum per annum, payable semi-annually, on the first day of June and December in each year until the principal sum thereof is fully paid, signed by the president and treasurer and attested by the clerk under the corporate seal of said village, are hereby declared to be valid and legal obligations of said village and the treasurer of said village is hereby authorized and directed to deliver said bonds to the purchaser thereof or his assignee or nominee, upon the receipt of the amount for which said bonds were sold.

Delivery directed.

Tax for payment.

§ 3. The proper officers of said village are hereby authorized and directed to raise annually by tax in the manner provided by

law, a sum sufficient to pay the interest and the principal of said bonds as the same shall become due.

§ 4. This act shall not affect any action or proceeding pending in any court at the time the same takes effect. Pending actions.

§ 5. This act shall take effect immediately.

Chap. 88.

AN ACT to amend the highway law, in relation to state and county highways in cities of the third class.

Became a law April 29, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirty-seven of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," as amended by chapter two hundred and thirty-three of the laws of nineteen hundred and ten, is hereby amended to read as follows:[1] L. 1909, ch. 30, § 137, as amended by L. 1910, ch. 233, amended.

§ 137. **State and county highways in villages and cities of the third class.** A state or county highway may be constructed through a city of the third class or a village in the same manner as outside thereof, unless the street through which it runs has, in the opinion of the commission, been so improved or paved as to form a continuous and improved highway of sufficient permanence as not to warrant its reconstruction, in which case such highway shall be constructed or improved to the place where such paved or improved street begins. If it is desired to construct or improve any portion of a state or county highway within such village or city of the third class at a width greater than that provided for in the plans and specifications therefor, or if a modification of the plans and specifications is desired by which the cost thereof is increased, the board of trustees of such village or common council of such city shall petition the commission by resolution, to so modify such plans and specifications as to provide for such construction. The commission shall thereupon cause the plans, specifications and

[1] Provisions relating to construction of *county* highways through cities of the third class new.

increase thereof, a tax shall be paid only upon so much of such increase as exceeds the amount of capital stock upon which a tax has been before paid. In case of the consolidation of existing corporations into a corporation, such new corporation shall be required to pay the tax hereinbefore provided for only upon the amount of its capital stock in excess of the aggregate amount of capital stock of said corporations. This section shall not apply to state and national banks or to building, mutual loan, accumulating fund and co-operative associations. A railroad corporation need not pay such tax at the time of filing its certificate of incorporation, but shall pay the same before the public service commission shall grant a certificate, as required by the railroad law, authorizing the construction of the road as proposed in its articles of association, and such certificate shall not be granted by the public service commission until it is furnished with a receipt for such tax from the state treasurer. [1]If the board of railroad commissioners or public service commission shall have heretofore granted, or the public service commission shall hereafter grant, such certificate and upon an appeal from the determination of such board of railroad commissioners or public service commission, such certificate has been or may hereafter be denied the comptroller shall refund the amount of tax so paid to the railroad corporation or corporations by which such tax was paid, upon proof of payment being presented and appropriation being made therefor.

§ 2. This act shall take effect immediately.

Chap. 92.

AN ACT making an appropriation for highway improvement in expediting the building of a state highway or road from a point on route number four at the dividing line between Broome and Tioga counties to Geneva.

Became a law May 3, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one million dollars ($1,000,000) to become available immediately is hereby appropriated, payable out

[1] Remainder of section new.

of moneys realized from bonds issued in accordance with the provisions of chapter four hundred and sixty-nine of the laws of nineteen hundred and six, as amended by chapter seven hundred and eighteen of the laws of nineteen hundred and seven, and the laws amendatory thereof. The moneys hereby appropriated shall be expended in accordance with the provisions of article six of the highway law, for the construction and improvement of portions of state routes numbers four and twelve commencing at a point on route number four, on the dividing line between the counties of Broome and Tioga; running thence westerly through the southern portions of Tioga and Chemung counties to Elmira; running thence northerly from the city of Elmira to a point at or near Horseheads, being the intersection of route number twelve with route number four; running thence northerly on route number twelve through the counties of Schuyler and Yates, by the way of Watkins, to a point on route number six, being the intersection of route number twelve and route number six, as defined by section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine, so as to complete the connection between state highways already built on the aforesaid routes. And providing the whole of the aforesaid amount is not necessary to complete the aforesaid routes, then the amount unexpended shall be used for the construction and improvement of state route number thirty-six, commencing at a point on said state route number thirty-six, at or near Owego and running in a northerly direction to a point on the dividing line between Tioga and Tompkins counties. No county in which roads are improved under this chapter shall participate in the future annual appropriation of funds for the improvement of state roads until such time as the counties not participating in the funds provided by this chapter shall have received such amount of improvement as will equalize the mileage.

§ 2. This act shall take effect immediately.

Chap. 93.

AN ACT to revive and extend the corporate existence of Kenmore Improvement Company of Buffalo, New York.

Became a law May 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate existence revived and extended.

Section 1. The corporate existence of the Kenmore Improvement Company of Buffalo, New York, is hereby revived, and the said Kenmore Improvement Company is hereby declared to be a valid corporation, with the same force and effect as the same existed on the tenth day of March, nineteen hundred and six, and prior to the expiration of the period for which said corporation was created; and with all the powers, privileges, franchises, and subject to the same duties, obligations and restrictions in respect to such powers under the laws of this state in force on and before the said tenth day of March, nineteen hundred and six, which were conferred and imposed in respect of said corporation, and with the same force and effect as if the said corporate existence and organization had been extended according to law prior to the said tenth day of March, nineteen hundred and six, and before the expiration of the period of time for which said corporation was created.

Corporation continued.

§ 2. The said corporation shall continue for a period of ten years after the passage of this act, to be possessed and seized of all the property and be vested with all the rights and privileges had, possessed, seized and enjoyed by the said Kenmore Improvement Company of Buffalo, New York, at any time prior to the tenth day of March, nineteen hundred and six, and subject to the same liabilities and restrictions provided by law.

Pending actions.

§ 3. Nothing in this act contained shall affect any action or proceeding pending at the time this act takes effect.

§ 4. This act shall take effect immediately.

Chap. 94.

AN ACT to make the office of sheriff of Genesee county a salaried office, and to regulate the management of said office.

Became a law May 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Salary.

Section 1. After the expiration of the term of office of the present sheriff of the county of Genesee, the sheriff of that county shall receive as compensation for all services hereinafter enumerated the annual salary of fifteen hundred dollars, payable quarterly by the treasurer of said county. Said sheriff shall also be entitled free of rent or charge to occupy that part of the jail building erected for the sheriff's residence in Batavia in said county, with all necessary light, heat and water supply for the same. Such salary shall not be increased or diminished during the term for which such sheriff shall have been elected or appointed.

Residence in jail.

Assistants to be paid from sheriff's salary exceptions.

§ 2. From the salary above provided for the said sheriff shall pay all such assistants, other than the under-sheriff, deputy sheriffs, attendants and employees, as herein provided for, as shall be necessary to enable him properly to perform the duties of his office, and in consideration of which he shall do and perform all the services and duties which now are or may hereafter be imposed upon him by law or which he is or shall be hereafter required or authorized by law to do or perform by virtue of his office, including his duties as an officer of the courts and in summoning jurors of courts held in said county, and also including his duties in performing all other services which have heretofore been performed by the sheriff of said county, or by his under-sheriff, or a deputy sheriff, which are county charges; and, except as herein provided, no compensation, payment or allowance shall be made to him or them for any such services, or for his expenses or for the services or expenses of his under-sheriff, or any deputy sheriff, even though the statute requiring the services or imposing the duty, may provide that a fee or other compensation be paid therefor.

Salary to be in consideration of all duties performed.

Fees, etc., to belong to county.

§ 3. All fees, emoluments and perquisites of any kind whatsoever which such sheriff or his under-sheriff or any deputy sheriff

Chap. 93.

AN ACT to revive and extend the corporate existence of Kenmore Improvement Company of Buffalo, New York.

Became a law May 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate existence revived and extended.

Section 1. The corporate existence of the Kenmore Improvement Company of Buffalo, New York, is hereby revived, and the said Kenmore Improvement Company is hereby declared to be a valid corporation, with the same force and effect as the same existed on the tenth day of March, nineteen hundred and six, and prior to the expiration of the period for which said corporation was created; and with all the powers, privileges, franchises, and subject to the same duties, obligations and restrictions in respect to such powers under the laws of this state in force on and before the said tenth day of March, nineteen hundred and six, which were conferred and imposed in respect of said corporation, and with the same force and effect as if the said corporate existence and organization had been extended according to law prior to the said tenth day of March, nineteen hundred and six, and before the expiration of the period of time for which said corporation was created.

Corporation continued.

§ 2. The said corporation shall continue for a period of ten years after the passage of this act, to be possessed and seized of all the property and be vested with all the rights and privileges had, possessed, seized and enjoyed by the said Kenmore Improvement Company of Buffalo, New York, at any time prior to the tenth day of March, nineteen hundred and six, and subject to the same liabilities and restrictions provided by law.

Pending actions.

§ 3. Nothing in this act contained shall affect any action or proceeding pending at the time this act takes effect.

§ 4. This act shall take effect immediately.

Chap. 94.

AN ACT to make the office of sheriff of Genesee county a salaried office, and to regulate the management of said office.

Became a law May 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. After the expiration of the term of office of the present sheriff of the county of Genesee, the sheriff of that county shall receive as compensation for all services hereinafter enumerated the annual salary of fifteen hundred dollars, payable quarterly by the treasurer of said county. Said sheriff shall also be entitled free of rent or charge to occupy that part of the jail building erected for the sheriff's residence in Batavia in said county, with all necessary light, heat and water supply for the same. Such salary shall not be increased or diminished during the term for which such sheriff shall have been elected or appointed.

Salary.

Residence in jail.

§ 2. From the salary above provided for the said sheriff shall pay all such assistants, other than the under-sheriff, deputy sheriffs, attendants and employees, as herein provided for, as shall be necessary to enable him properly to perform the duties of his office, and in consideration of which he shall do and perform all the services and duties which now are or may hereafter be imposed upon him by law or which he is or shall be hereafter required or authorized by law to do or perform by virtue of his office, including his duties as an officer of the courts and in summoning jurors of courts held in said county, and also including his duties in performing all other services which have heretofore been performed by the sheriff of said county, or by his under-sheriff, or a deputy sheriff, which are county charges; and, except as herein provided, no compensation, payment or allowance shall be made to him or them for any such services, or for his expenses or for the services or expenses of his under-sheriff, or any deputy sheriff, even though the statute requiring the services or imposing the duty, may provide that a fee or other compensation be paid therefor.

Assistants to be paid from sheriff's salary exceptions.

Salary to be in consideration of all duties performed.

§ 3. All fees, emoluments and perquisites of any kind whatsoever which such sheriff or his under-sheriff or any deputy sheriff

Fees, etc., to belong to county.

Chap. 93.

AN ACT to revive and extend the corporate existence of Kenmore Improvement Company of Buffalo, New York.

Became a law May 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate existence revived and extended.

Section 1. The corporate existence of the Kenmore Improvement Company of Buffalo, New York, is hereby revived, and the said Kenmore Improvement Company is hereby declared to be a valid corporation, with the same force and effect as the same existed on the tenth day of March, nineteen hundred and six, and prior to the expiration of the period for which said corporation was created; and with all the powers, privileges, franchises, and subject to the same duties, obligations and restrictions in respect to such powers under the laws of this state in force on and before the said tenth day of March, nineteen hundred and six, which were conferred and imposed in respect of said corporation, and with the same force and effect as if the said corporate existence and organization had been extended according to law prior to the said tenth day of March, nineteen hundred and six, and before the expiration of the period of time for which said corporation was created.

Corporation continued.

§ 2. The said corporation shall continue for a period of ten years after the passage of this act, to be possessed and seized of all the property and be vested with all the rights and privileges had, possessed, seized and enjoyed by the said Kenmore Improvement Company of Buffalo, New York, at any time prior to the tenth day of March, nineteen hundred and six, and subject to the same liabilities and restrictions provided by law.

Pending actions.

§ 3. Nothing in this act contained shall affect any action or proceeding pending at the time this act takes effect.

§ 4. This act shall take effect immediately.

Chap. 94.

AN ACT to make the office of sheriff of Genesee county a salaried office, and to regulate the management of said office.

Became a law May 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Salary. Section 1. After the expiration of the term of office of the present sheriff of the county of Genesee, the sheriff of that county shall receive as compensation for all services hereinafter enumerated the annual salary of fifteen hundred dollars, payable quarterly by the treasurer of said county. Said sheriff shall also be entitled free of rent or charge to occupy that part of the jail building erected for the sheriff's residence in Batavia in said county, with all necessary light, heat and water supply for the same. Such salary shall not be increased or diminished during the term for which such sheriff shall have been elected or appointed.

Residence in jail.

Assistants to be paid from sheriff's salary exceptions. § 2. From the salary above provided for the said sheriff shall pay all such assistants, other than the under-sheriff, deputy sheriffs, attendants and employees, as herein provided for, as shall be necessary to enable him properly to perform the duties of his office, and in consideration of which he shall do and perform all the services and duties which now are or may hereafter be imposed upon him by law or which he is or shall be hereafter required or authorized by law to do or perform by virtue of his office, including his duties as an officer of the courts and in summoning jurors of courts held in said county, and also including his duties in performing all other services which have heretofore been performed by the sheriff of said county, or by his under-sheriff, or a deputy sheriff, which are county charges; and, except as herein provided, no compensation, payment or allowance shall be made to him or them for any such services, or for his expenses or for the services or expenses of his under-sheriff, or any deputy sheriff, even though the statute requiring the services or imposing the duty, may provide that a fee or other compensation be paid therefor.

Salary to be in consideration of all duties performed.

Fees, etc., to belong to county. § 3. All fees, emoluments and perquisites of any kind whatsoever which such sheriff or his under-sheriff or any deputy sheriff

shall be legally authorized, required or entitled to charge or receive for conveying prisoners to state or other institutions, and for any other services performed for the United States of America or for the state of New York or for the county of Genesee, for which fees or allowances are or may be paid, including all moneys which shall be paid for the board, custody or care of United States prisoners, shall belong to the county of Genesee, and it shall be the duty of each of said officers to collect for said county the full amount allowed by law of all such moneys, fees, emoluments and perquisites.

Undertaking of sheriff.

§ 4. Such sheriff before entering upon the duties of his office shall execute to the county of Genesee an undertaking in the sum of fifteen thousand dollars, with sufficient sureties, with the approval of the board of supervisors if in session, endorsed by the clerk of such board, otherwise with the approval of the county judge and county clerk, to the effect that he will in all things well and faithfully perform and execute the duties of the office of sheriff during his continuance therein, without fraud or deceit, and shall pay over to the treasurer of said county, as herein provided, all moneys which shall come into his hands as herein provided. Such undertaking may also, with the approval aforesaid, be executed and the conditions thereof guaranteed solely by a corporation incorporated under the laws of this state, or authorized to do business under the laws of this state, and authorized under its charter to execute the same. The undertaking required by this section shall be in lieu of any undertaking or bond required to be executed by such sheriff under any other law. If such sheriff shall neglect for thirty days to execute or file any such undertaking according to the provisions of this act, his office shall thereupon become vacant. Such undertaking shall be recorded in the office of the county clerk of said county. The said sheriff shall be responsible for the official acts of the under-sheriff, deputy sheriffs, jailors and other assistants appointed by him and may require and take a bond from each of them in a good and sufficient amount, conditioned for the faithful performance of their respective duties, which shall be approved by him as to its form and sufficiency.

Account of services performed and fees, etc., received.

§ 5. Said sheriff shall keep in his office in a proper book or books to be provided by the county for that purpose an exact and true account of all the official services performed by him as sheriff, or by his under-sheriff or any deputy sheriff for which such officer is entitled to receive fees or allowances, and all fees, moneys, perquisites and emoluments received or chargeable by him or by any

such officer therefor pursuant to law. Such books shall show when and for whom each such service was performed, and the fees chargeable or allowances receivable therefor, and the amount of money actually received on account thereof, and shall constitute a part of the records of such office and shall at all times during office hours be open to public inspection, but this section shall not apply to any services rendered in civil causes or proceedings.

Services in civil causes excepted.

§ 6. Such sheriff shall make a full and true statement for each quarter of the year of all moneys received each day by him or his under-sheriff or deputy or other official appointees, and all the fees, perquisites and emoluments for all services rendered by him or them in his or their official capacity, which by the provisions of this act shall belong to said county. He shall transmit such statement to the county treasurer of said county within ten days from the expiration of said quarter. Such statement shall show total receipts for said quarter and shall have attached thereto an affidavit of said sheriff in effect that the same is in all respects a full and true statement of all moneys by him and those under him to his knowledge received and chargeable to said office as herein provided. At the time of rendering every such quarterly statement, such sheriff shall pay over to the county treasurer of the county of Genesee for the benefit of said county the whole amount of the moneys so received by him and chargeable to said office since making the last preceding quarterly report.

Quarterly statement of moneys received.

Quarterly payment of moneys to county treasurer.

§ 7. It shall be the duty of such sheriff to keep and properly care for the jail and sheriff's residence of said county and the grounds in connection therewith and for the court and jury rooms and the sheriff's office in the courthouse of said county and to preserve all property belonging thereto and situated therein and he shall be responsible for the custody, maintenance and control of all prisoners and persons detained by him in said jail or elsewhere. The board of supervisors of said county may employ a janitor to care for the remainder of said courthouse and for the county clerk's office and the surrogate's office in said county, and nothing in this act shall prevent their contracting for such janitor service with any person who may be sheriff of said county, and in the event of such contract such sheriff may receive for such janitor service a fair and reasonable sum in addition to his compensation otherwise herein provided. On the first day of January in each year, the auditing committee, hereinafter named, shall take an inventory of all property of every kind and nature be-

Sheriff to have care of certain premises.

Responsible for custody and maintenance of prisoners.

Janitor; sheriff may be employed as.

Inventory of property in posses-

sion of sheriff. longing to the county in the possession of the sheriff or his appointees and shall file such inventory with the county clerk to be kept by him as a part of the records of his office. The said Sheriff chargeable with property. sheriff shall be chargeable with the property mentioned in said inventory and at the end of each year the said sheriff shall account for the property in the last inventory contained and purchased since the last inventory so taken and he shall be liable to pay to the county of Genesee the value of any property which shall be missing and not accounted for.

Auditing committee. § 8. The board of supervisors at each annual meeting shall appoint a committee of three of its members who shall designate one of its members as chairman. Such committee shall be known Purchase of supplies, etc. as the auditing committee of said county. It shall be the duty of said sheriff of said county, subject to supervision, control, approval and direction of such auditing committee, to purchase and provide all furniture, implements, materials, food and supplies of whatever nature necessary for the custody, care and maintenance of the jailors and cooks and of the prisoners and persons detained within said jail and the cost of the same and any necessary and actual expense of the sheriff in providing the same shall Account of expense. be a county charge. The said sheriff shall keep a correct and itemized account of such cost and expense in a book or books provided for that purpose at the expense of the county. Each item of the account shall specify the date at which it was incurred, to whom paid and the purpose for which it was paid. The said Vouchers. sheriff shall also obtain a voucher for each item or items incurred by him, so far as practicable, and if such item exceeds the sum of five dollars it shall be duly verified as to its correctness by the affidavit of the person, firm or corporation furnishing the same. Audit of bills. The said auditing committee shall meet upon the first Tuesday in January, April, July and October in each year and all bills contracted by said sheriff previous to each meeting shall then be submitted to such committee, together with a written, verified statement of all the items, and a statement of the amounts thereof certified by it as correct shall be presented to the treasurer of the county, who shall forthwith advance to said sheriff the amount so certified as correct; but all such accounts, together with any portions of the original quarterly accounts of said sheriff, which may not have been allowed, shall be submitted to the board of supervisors for audit, and for the payment of any balance found due, in the same manner as other county charges are audited and Statement as to per- paid. The sheriff shall also accompany each such quarterly dis-

bursement and expense account with a verified statement giving the names of all persons confined in jail, during the time covered by said account, and designating the date and period of such confinement and the number of days each one of such persons was confined during the said period. The board of supervisors may, however, by contract, provide with the sheriff of said county for the food and supplies for the maintenance of the prisoners and other persons detained within said jail, and in such case may fix the rate of compensation to be paid therefor and may adopt and enforce appropriate rules and regulations governing the same.

Persons confined in jail.

Supervisors may contract with sheriff for supplies.

§ 9. The said sheriff shall appoint an under-sheriff and one deputy sheriff and such other attendants and employees as may be permitted by the board of supervisors of said county, all of whom shall be removable by the said sheriff at any time and shall receive such salaries or compensation for services and payable at such times as shall be fixed and determined by the board of supervisors of said county. The deputy sheriff so appointed shall act as janitor of the county jail and as assistant jailor or turnkey of the said jail and it shall be the duty of the under-sheriff to attend all terms of court held in said county as one of the officers of said court and to perform such duties as may be required of him by law, or by the court, or by the sheriff. Nothing in this act shall be construed to prevent the sheriff from appointing as many deputy sheriffs as he may choose to appoint; but none of the services, expenses, fees or other compensation of any such deputy sheriffs shall constitute and be a county charge, except as herein provided for.

Under-sheriff, deputy sher.ff, and other employees.

Duties of deputy sheriff.

Other deputy sheriffs.

§ 10. At each term of court held in said county when a grand jury shall be in attendance, the sheriff shall summon not more than three constables or special deputies to attend as court officers, and when a petit jury only shall be in attendance, he shall summon not more than five constables or special deputies to attend as such court officers, but when a petit and a grand jury shall be in attendance, he shall summon not more than seven constables or special deputies to attend as such court officers; and except as herein provided, no other such court officer shall be summoned or appointed except by order of the judge holding the court. Such constable or special deputy shall not be deemed to be an assistant of the sheriff, within the provisions of this act regulating his compensation; and the fees of all constables or special deputies, so summoned or appointed to attend as court officials, and for their services as such, shall be county charges to be paid by the county

To provide court officers.

Compensation thereof.

treasurer as and in the manner provided by law. The sheriff may also appoint as many special deputies as may be actually necessary to preserve order and protect property in time of riot and other unlawful assemblies, in which event, the reasonable cost and expense thereof, not exceeding for each such special deputy such per diem compensation as shall have been fixed by the board of supervisors, shall be charges upon the county and audited and allowed as other claims against the county are audited and allowed.

Special deputies.

Sheriff entitled to fees in civil causes.

§ 11. In addition to the salary specified in section one of this act, the sheriff is authorized and entitled to charge, take and receive the fees now allowed to sheriffs by law in civil causes and proceedings and paid by litigants or individuals as and for his compensation for services and disbursements rendered therein and his liabilities thereunder and for the services of the under-sheriff, deputy and other employees of his office in such causes and proceedings. From and after the first day of January, nineteen hundred and twelve, all charges for calendar fees and filing notes of issue in the said county of Genesee are hereby abolished.

Certain charges abolished.

Sheriff entitled to expenses.

§ 12. The said sheriff shall be allowed and entitled to receive his actual expenses and disbursements of himself and of his under-sheriff and deputy sheriffs while traveling within the county of Genesee in the performance of his or their duties in criminal actions, proceedings or matters, not exceeding the sum of two hundred dollars in any one year. And he shall also be reimbursed for necessary traveling expenses, actually incurred by himself, or by his under-sheriff, or any deputy sheriff, while traveling outside the county of Genesee, in the performance of his or their duties in criminal actions, proceedings or matters, including the necessary traveling expenses actually incurred by himself, by his under-sheriff or any deputy sheriff while conveying prisoners or juvenile delinquents to their places of confinement, anywhere outside the county of Genesee, in each case where such expenses are now, by law, a county charge, all of which actual and necessary traveling expenses shall be county charges to be audited and allowed by the board of supervisors, in like manner as other charges against the county are audited and allowed.

Criminal and civil liability for failure to account for fees belonging to county.

§ 13. Any officer hereinbefore referred to, who shall receive for his own use, or for the use of another, any fee, perquisite or emolument contrary to the provisions of this act, or who shall neglect to account for any such fee, perquisite or emolument, by this act declared to belong to the county of Genesee, shall be guilty

of a misdemeanor and shall also be liable to the county in a civil action for any money so received or received for the use of said county and not accounted for and paid to the treasurer of said county pursuant to the requirements of this act.

§ 14. The board of supervisors of the said county shall at its annual meeting raise by taxation upon the taxable property of said county all sums of money necessary to carry out the provisions of this act. Annual tax

§ 15. All acts and parts of acts inconsistent with this act are hereby repealed in so far as they may affect the county of Genesee, and the said county is hereby excepted from their provisions.

§ 16. This act shall take effect immediately.

Chap. 95.

AN ACT to amend the county law relative to additional official duties of the district attorney of Niagara county and to provide for his disbursements in the performance of the same.

Became a law May 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and three of article eleven of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties constituting chapter eleven of the consolidated laws," is hereby amended so as to read as follows: L. 1909, ch 16, § 203 amended.

§ 203. **In Erie, Monroe, Onondaga, Rensselaer, Niagara[1] and Westchester counties.** The district attorney of Erie county may appoint in and for the county of Erie, in the manner provided in the last section, and with like powers, such number of assistants as shall be fixed and determined by resolution of the board of supervisors of Erie county. All of the persons so appointed shall be called assistant district attorneys. Each of said assistant district attorneys shall receive such salary as shall be fixed and determined by said board of supervisors. The district attorney shall designate in the order appointing such assistants the salary which each of such assistants shall receive, subject, however, to the limitations prescribed by such resolution of the board of supervisors.

[1] Provisions as to Niagara county new.

The three assistant district attorneys and the two deputy assistant district attorneys now in office shall continue to receive the same salaries that are now paid them until the board of supervisors shall by resolution fix and determine the salaries which such assistants and deputies shall receive pursuant to the provisions of this section. Said assistants shall severally take the constitutional oath of office[2] before entering upon the duties thereof; and the district attorney shall be responsible for their acts. Said district attorney may designate, in writing, to be filed in the office of the clerk of said county, one of his said assistants to be the acting district attorney in the absence from said county or other inability of said district attorney; and the assistant so designated shall during such absence or inability of said district attorney perform the duties of the office. Such designation may be revoked by said district attorney in writing, to be filed in said county clerk's office. The district attorney of Monroe county may appoint, in and for the county of Monroe, in the manner provided in the last section, and with like powers, three assistants, to be called respectively, the first, second and third assistant district attorneys, and two deputy assistants, to be called respectively the first and second deputy assistant district attorneys, who shall severally take the constitutional oath of office before entering upon the duties thereof, and the district attorney shall be responsible for their acts. In Monroe county the salaries of the assistant district attorneys and the deputy assistant district attorneys shall be fixed by the board of supervisors as follows: The salary of the first assistant district attorney shall not be less than two thousand dollars per year, payable monthly; the salary of the second assistant district attorney shall not be less than eighteen hundred dollars per year, payable monthly; the salary of the third assistant district attorney shall not be less than sixteen hundred dollars per year, payable monthly; the salary of the first deputy assistant district attorney shall not be less than twelve hundred dollars per year, payable monthly; the salary of the second deputy assistant district attorney shall not be less than seven hundred and twenty dollars per year, payable monthly; and until the salaries of said officials are so fixed by the board of supervisors, they shall be as above stated. The district attorney of Monroe county and his assistants and such deputy assistants shall conduct, on the part of the people, all preliminary examinations in the police court of the city of Rochester, and,

[2] See constitution, art. 13, § 1; public officers law (L. 1909, ch. 51), § 10.

subject to the right of a complainant to appear personally or by attorney, all other prosecutions for crime therein; and may conduct prosecutions therein for violations of the penal ordinances of the said city, and appeals therefrom, and in such event one-half of the salary of such first deputy shall be a charge upon the city of Rochester and assessed back upon said city by the board of supervisors of Monroe county; but the corporation counsel of the said city shall have the power to prosecute any person for the violation of an ordinance and to conduct proceedings therefor, or an appeal therefrom. The district attorney of Onondaga county may appoint in and for said county, in the manner provided in the last section, and with like powers, two assistants, to be called respectively the first and second assistant district attorneys, each of whom shall take the constitutional oath of office before entering upon the duties thereof; and the district attorney of said county shall be responsible for their acts. The district attorney of Westchester county may appoint in and for the county of Westchester, in the manner provided in the last section, and with like powers, two assistants, to be called respectively the first and second assistant district attorney, who shall severally take the constitutional oath of office before entering upon the duties thereof; and the district attorney shall be responsible for their acts; and the salary of each shall be fixed by the board of supervisors. The district attorneys of the counties of Erie, Onondaga and Monroe may also appoint a person to act as interpreter at all sessions of the grand juries of such counties and of the city of Buffalo, whose compensation shall be fixed by the court in and for which such grand jury may be empaneled. The district attorneys of the counties of Erie and Monroe shall each be entitled to receive, in addition to their salary, all costs collected by them in actions and proceedings prosecuted and defended by them. The county judge, or the special county judge, of the county of Monroe, or any supreme court judge, shall have power, on the application of the district attorney of Monroe county, to order and direct the county treasurer of Monroe county to pay to the district attorney any sum of money expended or incurred by him in the performance of his duties in his office, and the county judge of the county of Rensselaer, or any supreme court judge, shall have power, on the application of the district attorney of Rensselaer county, to order and direct the county treasurer of Rensselaer county to pay to the district attorney any sum of money expended or incurred by him in the performance of his duties in his office, and the county judge of the

county of Albany, or any supreme court judge, shall have power, on the application of the district attorney of Albany county, to order and direct the county treasurer of Albany county to pay to the district attorney of such county any sum of money expended or incurred by him in the performance of his duties in his office. [3]The district attorney of Niagara county shall have charge of and conduct on the part of the people all preliminary examinations in the police courts of the cities of Lockport, North Tonawanda and Niagara Falls, either in person or by his assistant. In lieu of the necessary traveling expenses and other disbursements incurred in the performance of these additional duties, either by himself or his assistant or stenographer, the district attorney of Niagara county shall receive an amount to be fixed by the board of supervisors of Niagara county at not less than one thousand two hundred dollars per annum, payable monthly by the county treasurer of Niagara county. Until such amount is so fixed by the board of supervisors it shall be as above stated.

§ 2. This act shall take effect immediately.

Chap. 96.

AN ACT to amend the highway law, in relation to the course and description of state route number four.

Became a law May 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 30, § 120, subd. 4 amended.

Section 1. Route four,[1] constituting the subdivision thus designated, of section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended to read as follows:

Route 4. Commencing at a point to be determined by the commission on route number three, running thence through Orange county by the way of Middletown to a point to be determined by the commission, on the dividing line between Sullivan and Orange counties, running thence westerly and northerly through Sullivan

[3] Remainder of section new.

[1] Route 4 is again changed by L. 1911, ch. 747, post. See note to that chapter.

county by the way of Monticello to a point to be determined by the commission, on the dividing line between Delaware and Sullivan counties, thence to Deposit, on the dividing line between Broome and Delaware counties, running thence westerly by the way of Windsor to the city of Binghamton, running thence westerly from the city of Binghamton by the way of Lestershire and Endicott, to a point to be determined by the commission, on the dividing line between Tioga and Broome counties, running thence westerly through the southern portion of Tioga county, to a point to be determined by the commission, on the dividing line between Chemung and Tioga counties, running thence westerly and northwesterly through the southern portion of Chemung county, to the city of Elmira, running thence northerly from the city of Elmira to a point at or near Horseheads, running thence westerly to a point to be determined by the commission on the dividing line between Steuben and Chemung counties, running thence westerly and northwesterly by the way of Corning, Addison, Woodhull, Jasper[2] and Canisteo, to the city of Hornell, running thence northwesterly and southwesterly from the city of Hornell to a point at or near Almond on the dividing line between Allegany and Steuben counties, running thence southwesterly to Wellsville, running thence northwesterly and westerly by the way of Belmont, Belvidere and Friendship and Cuba, to a point to be determined by the commission on the dividing line between Cattaraugus and Allegany counties, running thence southwesterly to the city of Olean, running thence westerly and northwesterly from the city of Olean by the way of Salamanca, to a point to be determined by the commission, on the dividing line between Chautauqua and Cattaraugus counties, running thence westerly to the city of Jamestown, thence northwesterly by the way of Mayville, to Westfield.

§ 2. This act shall take effect immediately.

[2] Words "Woodhull, Jasper" new.

Chap. 97.

AN ACT to amend "An act in relation to legislation, constituting chapter thirty-two of the consolidated laws," in regard to the publication of laws passed by the legislature, in four newspapers in the county of New York.

Became a law May 3, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 37, § 48, subd. 1 amended.

Section 1. Subdivision one of section forty-eight of article three of "An act in relation to legislation, constituting chapter thirty-two of the consolidated laws," is hereby amended to read as follows:

§ 48. **Publication of session laws and concurrent resolutions.** 1. All laws of a general nature which shall hereafter be passed by the legislature of this state, shall be published in at least two newspapers in each county of this state where there are or may be hereafter two newspapers published; and in one newspaper in each county where but one newspaper is published or may be published; [1]except that in the county of New York they shall be published in four newspapers, two in borough of Manhattan and two in borough of Bronx. All laws of a local nature which shall hereafter be passed by the legislature of this state, shall be published in like manner in each of the counties interested in the same. All laws affecting two or more counties, and not all the counties of the state, shall be considered local laws applicable to the several counties affected.

§ 2. This act shall take effect immediately.

[1] Remainder of sentence new.

Chap. 98.

AN ACT to amend the military law, in relation to the militia of the state.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows: L. 1909, ch 41, § 11 amended.

§ 11. **Organization of reserve militia when ordered out.** The portion of the reserve militia so accepted, shall be immediately mustered into the service of the state for one year, or such less period as the governor may direct, and shall be organized into troops, batteries, companies, sanitary units,[1] or naval divisions, which may be arranged in squadrons, battalions, regiments, field hospitals or ambulance companies,[2] or assigned to organizations of the active militia already existing. The governor is authorized to appoint the officers necessary to commence or complete any organization thus created. Such new organization shall be equipped, disciplined and governed according to this chapter and the military and naval regulations of the state.

§ 2. This act shall take effect immediately.

Chap. 99.

AN ACT to amend the military law, in relation to commissioned officers of the national guard.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title of article four of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation L. 1909, ch. 41, art. 4, title amended.

1 Words "sanitary units" new.
2 Words "field hospitals or ambulance companies," new.

to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

ARTICLE 4.

COMMISSIONED OFFICERS OF THE NATIONAL GUARD AND NAVAL MILITIA.[1]

§ 74, as amended by L. 1909, ch. 371, amended.

§ 2. Section seventy-four of said chapter as amended by chapter three hundred and seventy-one of the laws of nineteen hundred and nine is hereby further amended to read as follows:

§ 74. **Appointed officers and noncommissioned officers of the national guard.** The major-general of the national guard shall be appointed by the governor with the consent of the senate; during the time that the senate is not in session, the governor may make such appointment, subject to subsequent confirmation by the senate. The adjutants-general of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general, and one adjutant-general of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. The inspectors-general of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general, and one inspector-general of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. The judge-advocate of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general, and one judge-advocate of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. The deputy quartermaster-general of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general; one quartermaster of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade, and the post quartermaster-sergeants shall be appointed and warranted by the major-general upon the nomination of the commanding officer of the post for which they are appointed. The deputy commissary-general of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general; one commissary of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade, and the post commissary sergeants shall be appointed and warranted by the major-general upon the nomination of the commanding officer of the

[1] Words "and Naval Militia" new.

post for which they are appointed. [2]One lieutenant-colonel of the corps of engineers shall be appointed on the nomination of the major-general and one major of the corps of engineers shall be appointed on the nomination of the commanding officer of each brigade. One signal officer of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. Lieutenants assigned to companies of the signal corps shall be appointed upon the nomination of their immediate commanding officers. All other officers of the signal corps shall[3] be appointed upon the nomination of the major-general. The lieutenant-colonel and one major in the ordnance department shall be appointed upon the nomination of the major-general; one major in the ordnance department shall be appointed upon the nomination of the commanding officer of each brigade; one captain and one first lieutenant in the ordnance department and one ordnance sergeant shall be appointed upon the nomination of the commanding officer of each regiment; and one first lieutenant in the ordnance department and one ordnance sergeant shall be appointed upon the nomination of the commanding officer of each separate squadron and separate battalion; and one ordnance sergeant shall be appointed upon the nomination of the colonel of the corps of engineers and each colonel of the coast artillery corps. The lieutenant-colonel, one major and one captain[4] in the medical corps shall be appointed upon the nomination of the major-general. One major in the medical corps shall be appointed upon the nomination of the commanding officer of each brigade. One major and three first lieutenants in the medical corps shall be appointed upon the nomination of each colonel of the coast artillery corps, the colonel of the corps of engineers and the commanding officer of each regiment; two first lieutenants in the medical corps shall be appointed upon the nomination of the commanding officer of each separate squadron and battalion; one first lieutenant in the medical corps may be appointed upon the nomination of the commanding officer of each separate battery, separate troop, separate company and company of signal corps; and four[5] first lieutenants in the medical corps shall be appointed upon the nomination of the commanding officer of

[2] Following sentence new.
[3] Formerly "to."
[4] Words "and one captain" new.
[5] Formerly "six."

each[6] field hospital; [7]four first lieutenants in the medical corps shall be appointed upon the nomination of the commanding officer of each ambulance company. [8]First lieutenants in the medical corps shall be promoted to the grade of captain after three years' service as commissioned officers[9] in the medical corps or in the medical department or in the United States army or in any two or all of them[10] combined, but not until they shall have passed the required examination; and should any first lieutenant neglect or refuse to appear for examination when notified to do so or[11] fail to pass a satisfactory examination for promotion to the grade of captain in the medical corps he shall thereupon be withdrawn from active service and placed upon the retired list by the governor.[12] The governor may appoint chaplains as follows: one for each regiment of cavalry, field artillery and infantry upon the nomination of its commanding officer; one for the corps of engineers upon the nomination of its colonel; one for each twelve companies of coast artillery upon the nomination of the [13]officer commanding the artillery district in which such chaplain is to serve. Captains and lieutenants of regiments, battalions, squadrons, the corps of engineers and the coast artillery corps not elected by members of the troops, batteries or companies and required for staff duty with the organizations or corps shall be appointed by the governor upon nomination as follows: in the case of regiments, battalions and squadrons by the commanding officer thereof; in the case of the corps of engineers by its colonel; in the coast artillery corps by the [13]officer commanding the artillery district in which they are to serve. When the governor desires to create new organizations he shall have the power in the first instance to appoint all the officers necessary to commence and complete such organizations. Upon the request in writing of two-thirds of the officers of a regiment, a battalion or squadron not part of a regiment, of the corps of engineers serving with the organized battalions, or of a coast artillery district who are entitled to vote for field of-

[6] Formerly "the."

[7] Remainder of sentence new.

[8] Provision for recommissioning officers of medical department in service at time of amendment of 1909 (ch. 371), omitted.

[9] Words "as commissioned officers" new.

[10] Words "or in the United States . . . of them," new. Words "and medical corps," omitted.

[11] Words "neglect or refuse . . . to do so or," new.

[12] Words "by the governor" new.

[13] Word "ranking" omitted.

ficers, and in case of a separate troop, battery, company, or division not part of a regiment, battalion or squadron of two-thirds of its line officers, the governor shall thereafter until such request is withdrawn by a like request in writing, fill any vacancies then existing or which may thereafter occur among the elective officers of such regiment, battalion or squadron, not a part of a regiment, corps of engineers, coast artillery district, separate troop, battery or division, by appointment. An officer appointed pursuant to the provisions of this section, shall be appointed upon the nomination of his immediate commanding officer approved by the immediate superior commanding officer of the officer making such nomination.

§ 3. This act shall take effect immediately.

Chap. 100.

AN ACT to amend the military law, in relation to enlistments and re-enlistments.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-five of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," as amended by chapter three hundred and sixty-nine of the laws of nineteen hundred and nine, is hereby amended to read as follows:

L. 1909, ch. 41, § 95, amended by L. 1909, ch. 369, amended.

§ 95. **Enlistments.** An able-bodied man of good character, who can read and write and who is a citizen of the United States or has declared his intention to become such, may be enlisted in the national guard or naval militia of this state for a term of not less than three[1] years; but may continue to serve under his enlistment after the expiration of such term until discharged as hereinafter provided. Chief and principal musicians, privates of the hospital corps and musicians may be enlisted as such. No man shall be enlisted who holds a commission in the militia

[1] Formerly "five."

of this state. No man shall be enlisted who is forty-five years and more of age, or less than eighteen years old, except that men who are sixteen years and more of age may be enlisted as musicians. No minor shall be enlisted without the written consent of his parent or guardian. A man who has been dropped because he cannot be found or expelled or dishonorably discharged, or discharged without honor, from any military or naval organization of the state shall not be eligible for enlistment or re-enlistment unless he produce the written consent to such enlistment of the commanding officer of the organization from which he was dropped or expelled or dishonorably discharged, or discharged without honor, and of the commanding officer who approved such expulsion or issued such discharge or upon whose order he was dropped. Men who have been discharged by reason of disbandment may be enlisted and shall then receive credit for the period served at the time of such disbandment. A man discharged for physical disability shall if such disability ceases, and he again enlists, or a man discharged upon his own request shall, if he again enlists, receive credit for the period served prior to such discharge.

§ 96 amended.

§ 2. Section ninety-six of said chapter is hereby amended to read as follows:

§ 96. **Re-enlistments.** Any man who has served the period of his original enlistment may be re-enlisted for a term of two years[2] or more. No man above the age of forty-five years shall be re-enlisted except by permission of the commanding officer of the brigade or division to which the organization or corps is attached, or of the naval militia, if the re-enlistment be therein. A man applying for re-enlistment must pass the physical examination prescribed by regulations.

§ 238 amended.

§ 3. Section two hundred and thirty-eight of said chapter is hereby amended to read as follows:

§ 238. **Exemption from jury duty.** Every member of the active militia shall be exempt from all jury duty, provided he shall furnish the certificate of his immediate commanding officer that he has performed the duties required of him for the year immediately preceding a summons to act as a juryman or during the period of his service if less than one year. [3]And every

[2] Formerly "one year."

[3] Following sentence formerly read: "And every such member who shall have received a full and honorable discharge, shall be exempt forever after from all jury duty."

such member who shall have served five years and shall have received one or more full and honorable discharges covering that entire period, shall be exempt forever after from all jury duty. The words "all jury duty" as used in this section shall include coroners' juries.

Provision as to contracts of enlistment now in effect.

§ 4. Contracts of enlistment for a term of five years outstanding when this act takes effect shall be deemed to terminate three years from the date of enlistment and the enlisted man may be discharged on his own application or otherwise in the same manner as if his original term of enlistment had been for three years and he shall when discharged receive such form of discharge as a man who hereafter enlists for a term of three years would be entitled to receive for like service.

§ 5. This act shall take effect immediately.

Chap. 101.

AN ACT to amend the military law, in relation to allowances and devises and bequests to cavalry organizations.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 41, § 216 amended.

Section 1. Section two hundred and sixteen of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

§ 216. **Allowances for military organizations; military fund.** On the certificate of the adjutant-general of the state the comptroller shall annually draw his warrant in favor of each county treasurer specified in such certificate, for the organizations of the active militia mentioned therein as follows: twenty-five hundred dollars for each battery; fifteen hundred dollars for each troop, and one thousand dollars for each company of signal corps and field hospital, to be expended for mounted drills and parades, and for the feed and shoeing of horses in the service of the state; two hundred and fifty dollars for each company of signal corps, field hospital, separate troop, battery, separate company or division; and for each regiment, battalion and squadron not part of a regi-

ment, company of signal corps, field hospital, separate troop, separate battery, separate company and division, for the purpose of defraying other necessary military expenses, a sum equal to one dollar and sixty cents for each of its enlisted men present for duty at each of five of the compulsory drills or parades required in this chapter, which sums, together with the fines and penalties collected from delinquent enlisted men, shall constitute the military fund of such regiment, battalion or squadron not part of a regiment, company of signal corps, field hospital separate troop, battery, company or division. For the purposes of allowances granted in this section the corps of engineers and the officers and enlisted men of the coast artillery corps serving in a coast artillery district shall each be considered a regiment and enlisted men of any corps or department attached to or assigned to duty with any organization, corps or coast artillery district shall be considered as enlisted men of such organization, corps or coast artillery district. Squadrons not part of a regiment if organized into a regiment and[1] separate troops, batteries, companies and divisions, if organized into squadrons, battalions or regiments, shall thereby not be deprived of the allowances granted each in this section. Muster and inspection when ordered shall be counted as one of the five compulsory parades required to obtain the annual allowance.

§ 218 amended

§ 2. Section two hundred and eighteen of said chapter is hereby amended to read as follows:

§ 218. **Allowances for headquarters.** On the certificate of the adjutant-general of the state, the comptroller shall, annually, draw his warrant upon the treasurer for the following sums, namely: twelve hundred dollars for the headquarters of the naval militia, and for each brigade headquarters; fifteen hundred dollars for each regimental headquarters; five hundred dollars for each battalion and squadron headquarters, one hundred dollars additional for each naval battalion provided it contains a special division. For brigade headquarters in brigades covering a territory of more than ten counties, five hundred dollars, and in brigades whose organizations are located in fifteen or more counties, eight hundred dollars additional shall be allowed. For the headquarters of each regiment whose organizations are located in more than four counties, an additional one hundred dollars shall be allowed for each county in excess of four, in which a company organiza-

[1] Sentence to here new.

tion of such regiment is stationed. For the headquarters of each separate battalion whose organizations are located in more than two counties, an additional one hundred dollars shall be allowed for each county in excess of two, in which a company organization of such battalion is stationed. For the corps of engineers fifteen hundred dollars, for each coast artillery district containing eight or more companies fifteen hundred dollars, for each coast artillery district containing less than eight and more than four companies one thousand dollars, for each coast artillery district containing four companies five hundred dollars, the funds thus allowed shall only be expended by the respective commanding officers, the colonel of the corps of engineers and the ranking officer commanding the coast artillery district to which the fund is allowed on the approval of the adjutant-general of the state. [2]Squadrons not part of a regiment if organized into a regiment shall thereby not be deprived of the allowances granted in this section.

§ 3. Section two hundred and forty-four of said chapter, being an additional section added thereto by chapter five hundred and thirty-six of the laws of nineteen hundred and nine, is hereby amended to read as follows: § 244, as added by L. 1909, ch 536, amended.

§ 244. **Devises and bequests.**[3] A regiment, battalion or squadron,[4] a company, troop, battery, division, company of the signal corps, field hospital, detachment of the hospital corps attached to a regiment, battalion or squadron and each unit not hereinbefore mentioned into which the national guard and naval militia may be divided for organization or administrative purposes, may take by devise and bequest real and personal estate for its uses and purposes as a military organization, and may hold, mortgage, sell or otherwise dispose of the same. The title to such property shall vest in the commissioned officer or officers of the organization and if there be three or more of such officers the property shall be managed by their majority vote and disposed of by their two-thirds vote.

§ 4. This act shall take effect immediately.

[2] Following sentence new.
[3] Section heading new.
[4] Words "not part of a regiment," omitted.

Chap. 102.

AN ACT to amend the military law, in relation to armories.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 41, § 183 amended.

Section 1. Section one hundred and eighty-three of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

§ 183. **Armories in the city of New York.** In the city of New York the applications of commanding officers of regiments, battalions, squadrons, troops, batteries, field hospitals,[1] ambulance companies, companies of signal corps, the colonel of the corps of engineers or the ranking officer of the coast artillery commanding an artillery district located in said city, for suitable armories and for the furnishing thereof when first erected, and for alterations and enlargements of armories and the applications of the major-general, commanding officer of the naval militia, an officer commanding a brigade or an officer commanding a battalion composed of separate troops, batteries or companies therein, for suitable accommodation for brigade or other headquarters, shall be made to a board herein termed the armory board, and to consist of the mayor, the comptroller, the president of the board of aldermen, the two senior ranking officers of or below the grade of brigadier-general, in command of troops of the national guard quartered in said city, the commanding officer of the naval militia and the president of the department of taxes and assessments. If the armory board approve such an application, it shall make its recommendation to the commissioners of the sinking fund, who, if they concur therein, shall specify the sums to be appropriated therefor, and such sums shall be included by the comptroller of said city in his departmental estimates for the ensuing year, and the board of estimate and apportionment and the board of aldermen are hereby directed to include such sums in the budget for the ensuing year; or the commissioners of the sinking fund may, from time to time, in their discretion authorize and direct the comptroller of the city to issue corporate stock of the city in such

[1] Formerly "hospital."

amounts as shall be necessary to provide such sums or any part thereof, and the mayor and comptroller of the city are authorized and directed to sign such stock, which shall be redeemable in not more than fifty years from the date of issue, and shall bear interest at such rate as the board of commissioners of the sinking fund may prescribe. It shall be the duty of the city clerk to attest such stock and seal the same with the common seal of the city, and the board of estimate and apportionment and the board of aldermen are hereby authorized and directed to cause to be raised upon the property, subject to taxation in the city of New York, such sums of money as may be required to pay the interest on such stock and redeem the same at maturity. The work necessary to be done and the materials necessary to be furnished for erecting armories, and for the furnishing thereof when first erected, and for alterations and enlargements of armories, as in this section above provided, shall be done and furnished respectively under the direction and supervision of the armory board, under contracts made at public letting pursuant to the general provisions of law as to public contracts in the city of New York. The comptroller is authorized and required to pay, on the requisition of the armory board, the amount certified by it, from time to time to be due in such manner as he shall direct, and the amount of any appropriation or bond issue shall not be exceeded in incurring expenditures under this section. The commissioners of the sinking fund may also, in their discretion, appropriate any plot or plots of land belonging to the city and not already appropriated to some other public use, as locations on which armory buildings may be erected. The title to property acquired under this section through the approval of the commissioners of the sinking fund shall be vested in the corporation of the city of New York. All repairs to, and, except as above provided, all furnishing of, armories in the city of New York, shall be done by said city, and all utensils, materials and supplies certified by the auditing board of an organization, corps or artillery district quartered therein to be necessary for the cleaning, care and preservation of the portion of the armory used or occupied by said organization, corps or artillery district, or of the arms, uniforms, equipments and furniture used or kept by said organization, corps or artillery district, in such armory, shall be supplied by said city, as hereinafter in this section provided. The commanding officer of each organization, corps or artillery district of the active militia quartered in the city of New York, shall, before the first day of September in each year, pre-

to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

ARTICLE 4.

COMMISSIONED OFFICERS OF THE NATIONAL GUARD AND NAVAL MILITIA.[1]

§ 74, as amended by L. 1909, ch. 371, amended.

§ 2. Section seventy-four of said chapter as amended by chapter three hundred and seventy-one of the laws of nineteen hundred and nine is hereby further amended to read as follows:

§ 74. **Appointed officers and noncommissioned officers of the national guard.** The major-general of the national guard shall be appointed by the governor with the consent of the senate; during the time that the senate is not in session, the governor may make such appointment, subject to subsequent confirmation by the senate. The adjutants-general of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general, and one adjutant-general of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. The inspectors-general of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general, and one inspector-general of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. The judge-advocate of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general, and one judge-advocate of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. The deputy quartermaster-general of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general; one quartermaster of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade, and the post quartermaster-sergeants shall be appointed and warranted by the major-general upon the nomination of the commanding officer of the post for which they are appointed. The deputy commissary-general of the grade of lieutenant-colonel shall be appointed upon the nomination of the major-general; one commissary of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade, and the post commissary sergeants shall be appointed and warranted by the major-general upon the nomination of the commanding officer of the

[1] Words "and Naval Militia" new.

post for which they are appointed. [2]One lieutenant-colonel of the corps of engineers shall be appointed on the nomination of the major-general and one major of the corps of engineers shall be appointed on the nomination of the commanding officer of each brigade. One signal officer of the grade of major shall be appointed upon the nomination of the commanding officer of each brigade. Lieutenants assigned to companies of the signal corps shall be appointed upon the nomination of their immediate commanding officers. All other officers of the signal corps shall[3] be appointed upon the nomination of the major-general. The lieutenant-colonel and one major in the ordnance department shall be appointed upon the nomination of the major-general; one major in the ordnance department shall be appointed upon the nomination of the commanding officer of each brigade; one captain and one first lieutenant in the ordnance department and one ordnance sergeant shall be appointed upon the nomination of the commanding officer of each regiment; and one first lieutenant in the ordnance department and one ordnance sergeant shall be appointed upon the nomination of the commanding officer of each separate squadron and separate battalion; and one ordnance sergeant shall be appointed upon the nomination of the colonel of the corps of engineers and each colonel of the coast artillery corps. The lieutenant-colonel, one major and one captain[4] in the medical corps shall be appointed upon the nomination of the major-general. One major in the medical corps shall be appointed upon the nomination of the commanding officer of each brigade. One major and three first lieutenants in the medical corps shall be appointed upon the nomination of each colonel of the coast artillery corps, the colonel of the corps of engineers and the commanding officer of each regiment; two first lieutenants in the medical corps shall be appointed upon the nomination of the commanding officer of each separate squadron and battalion; one first lieutenant in the medical corps may be appointed upon the nomination of the commanding officer of each separate battery, separate troop, separate company and company of signal corps; and four[5] first lieutenants in the medical corps shall be appointed upon the nomination of the commanding officer of

[2] Following sentence new.
[3] Formerly "to."
[4] Words "and one captain" new.
[5] Formerly "six."

each[6] field hospital; [7]four first lieutenants in the medical corps shall be appointed upon the nomination of the commanding officer of each ambulance company. [8]First lieutenants in the medical corps shall be promoted to the grade of captain after three years' service as commissioned officers[9] in the medical corps or in the medical department or in the United States army or in any two or all of them[10] combined, but not until they shall have passed the required examination; and should any first lieutenant neglect or refuse to appear for examination when notified to do so or[11] fail to pass a satisfactory examination for promotion to the grade of captain in the medical corps he shall thereupon be withdrawn from active service and placed upon the retired list by the governor.[12] The governor may appoint chaplains as follows: one for each regiment of cavalry, field artillery and infantry upon the nomination of its commanding officer; one for the corps of engineers upon the nomination of its colonel; one for each twelve companies of coast artillery upon the nomination of the [13]officer commanding the artillery district in which such chaplain is to serve. Captains and lieutenants of regiments, battalions, squadrons, the corps of engineers and the coast artillery corps not elected by members of the troops, batteries or companies and required for staff duty with the organizations or corps shall be appointed by the governor upon nomination as follows: in the case of regiments, battalions and squadrons by the commanding officer thereof; in the case of the corps of engineers by its colonel; in the coast artillery corps by the [13]officer commanding the artillery district in which they are to serve. When the governor desires to create new organizations he shall have the power in the first instance to appoint all the officers necessary to commence and complete such organizations. Upon the request in writing of two-thirds of the officers of a regiment, a battalion or squadron not part of a regiment, of the corps of engineers serving with the organized battalions, or of a coast artillery district who are entitled to vote for field of-

[6] Formerly "the."

[7] Remainder of sentence new.

[8] Provision for recommissioning officers of medical department in service at time of amendment of 1909 (ch. 371), omitted.

[9] Words "as commissioned officers" new.

[10] Words "or in the United States . . . of them," new. Words "and medical corps," omitted.

[11] Words "neglect or refuse . . . to do so or," new.

[12] Words "by the governor" new.

[13] Word "ranking" omitted.

ficers, and in case of a separate troop, battery, company, or division not part of a regiment, battalion or squadron of two-thirds of its line officers, the governor shall thereafter until such request is withdrawn by a like request in writing, fill any vacancies then existing or which may thereafter occur among the elective officers of such regiment, battalion or squadron, not a part of a regiment, corps of engineers, coast artillery district, separate troop, battery or division, by appointment. An officer appointed pursuant to the provisions of this section, shall be appointed upon the nomination of his immediate commanding officer approved by the immediate superior commanding officer of the officer making such nomination.

§ 3. This act shall take effect immediately.

Chap. 100.

AN ACT to amend the military law, in relation to enlistments and re-enlistments.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-five of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," as amended by chapter three hundred and sixty-nine of the laws of nineteen hundred and nine, is hereby amended to read as follows:

L. 1909, ch. 41, § 95, as amended by L. 1909, ch. 369, amended.

§ 95. **Enlistments.** An able-bodied man of good character, who can read and write and who is a citizen of the United States or has declared his intention to become such, may be enlisted in the national guard or naval militia of this state for a term of not less than three[1] years; but may continue to serve under his enlistment after the expiration of such term until discharged as hereinafter provided. Chief and principal musicians, privates of the hospital corps and musicians may be enlisted as such. No man shall be enlisted who holds a commission in the militia

[1] Formerly "five."

armories or arsenals not located in cities; an armorer, janitor, engineer or laborer[7] appointed by the commanding officer of an organization located in a city who under orders duly issued by such officer performs the whole or any part of his duties outside the limits of such city shall receive the compensation provided for an armorer, janitor, engineer or laborer[7] employed in an armory located in such city; laborers not to exceed two dollars per day, except in cities having a population of three hundred thousand or over, and in counties adjoining cities of the first class, not to exceed three dollars per day. An armorer employed in an arsenal or armory having two hundred thousand or more square feet of floor surface and occupied by a regiment may in the discretion of the officer appointing, receive additional compensation not to exceed five dollars per day. The chief engineer in an armory having over two hundred thousand square feet of floor surface occupied by a regiment and lighted by electricity produced by machinery[8] operated within such armory, not to exceed five dollars per day. The compensation, as certified to by the officer appointing such persons, under the provisions of the two preceding sections, shall be paid semi-monthly upon the certificate of such officer, and shall be a county charge upon the county in which such armory or arsenal is situated; and shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid. A commissioned officer in active service shall not be eligible for appointment to, and shall not hold the position of armorer, janitor, engineer or laborer in any armory or arsenal. [9]The appointing officer shall grant to each employee a vacation of fourteen days per year with pay.

§ 6. This act shall take effect immediately.

[7] Words "or laborer" new.

[8] Words "operated by the power of steam, if such steam is generated and machinery," omitted.

[9] Following sentence new.

Chap. 103.

AN ACT to amend the military law, in relation to privileges, prohibitions and penalties.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§§ 245, 246 added to L. 1909, ch. 41.

Section 1. Chapter forty-one of the laws of nineteen hundred and nine entitled "An act in relation to the militia constituting chapter thirty-six of the consolidated laws," is hereby amended by adding thereto two new sections to be sections two hundred and forty-five and two hundred and forty-six thereof respectively, and to read as follows:

Officers and employees of state or municipality entitled to be absent on military duty without loss of compensation or privileges.

§ 245. Every officer and employee of the state or of a municipal corporation thereof who is a member of the national guard or naval militia shall be entitled to absent himself from his duties or service while engaged in the performance of ordered military or naval duty under the provisions of this chapter and while going to and returning from such duty. No such officer or employee shall be subjected by any person whatever directly or indirectly by reason of such absence to any loss or diminution of his salary or compensation or to any loss or diminution of vacation or holiday privileges or be prejudiced by reason of such absence with reference to promotion or continuance in office or employment or to reappointment to office or to re-employment. The terms "officer" and "employee" as used in this section shall include every person by whatsoever title, description or designation known who receives any pay, salary or compensation of any kind from the state or a municipal corporation thereof.

§ 246. **Oaths.** An oath authorized or required by this chapter or the regulations issued thereunder or the regulations governing the United States army or navy when in force as provided in this chapter may be taken, except in the cases where other provision is expressly made in this chapter, before the following persons who are authorized to administer the same within and without the state, namely: Officers of the national guard of or above the grade of captain when such oath is authorized or required in a matter pertaining to the national guard, and officers of the naval militia of or above the grade of lieutenant when such oath is

authorized or required in a matter pertaining to the naval militia, except officers of both land and naval forces on the retired and supernumerary lists while unassigned to duty.

§ 2. This act shall take effect immediately.

Chap. 104.

AN ACT to amend the military law, in relation to miscellaneous provisions.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 41, § 252, as amended by L. 1909, ch. 311, amended.

Section 1. Section two hundred and fifty-two of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," as amended by chapter three hundred and eleven of the laws of nineteen hundred and nine, is hereby further amended to read as follows:

§ 252. **Formation of associations; by-laws.** The officers of any regiment or battalion or squadron not a part of a regiment, the officers of the corps of engineers serving with the engineer troops, and the officers of the coast artillery corps serving in the same artillery district, and the members of any squadron, troop, battery, company, division, company of signal corps, field hospital, ambulance company[1] or detachment of hospital corps, may organize themselves into an association of which the commanding officer shall be president; provided, however, that such associations shall by an affirmative vote of two-thirds of all their members adopt by-laws, rules and regulations not inconsistent with this chapter, and which shall conform to the system prescribed in general regulations, and be submitted to the major-general or the commanding officer of the naval militia, as the case may be, for his approval; and which by-laws shall provide that the treasurer of such association shall furnish proper security for the faithful performance of his duties; that all funds of the association shall be kept in a bank of deposit in a separate account in the name of the association; that checks upon such funds shall be signed both

[1] Words "ambulance company" new.

by the treasurer and the commanding officer of such association; and that the books and accounts of such association shall at all times be open to the inspection of any official whose duty it is to inspect the organized militia of the state or of any member of the association. Such by-laws may contain such other provisions as are not inconsistent with the limitations herein set forth, and when approved by the major-general or the commanding officer of the naval militia, as the case may be, such by-laws, rules and regulations shall be binding upon all commissioned officers and enlisted men therein; but they may be altered in the manner provided for their adoption from time to time as may be found necessary, provided, however, that the essential provisions hereinabove set forth shall in no case be omitted or qualified. Every association already formed which has not adopted by-laws under the regulations and limitations hereinabove set forth; and every association heretofore formed which has adopted by-laws that do not contain the essential requirements hereinabove set forth, shall adopt revised by-laws containing such requirements and submit the same for approval to their respective commanding officers as above set forth.

§ 2. This act shall take effect immediately.

Chap. 105.

AN ACT to amend the code of civil procedure, relating to the examination by the surrogate of the county wherein the witnesses reside of the subscribing witnesses to a will offered for probate in another county.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five hundred and forty of the code of civil procedure is hereby amended to read as follows: § 2540 amended.

§ 2540. **Idem; in another county.** In a case specified in the last section, except that the witness is in another county, where the witness is a subscribing witness to a will, if the surrogate has good reason to believe that the witness cannot attend before

him, within a reasonable time, to which the hearing may be adjourned, he may make an order, directing that the witness be examined before the surrogate of the county in which he is, specifying a day, on or before which a certified copy of the order must be delivered to the latter surrogate; and directing notice of the examination to be given to such persons, and in such manner, as he thinks proper. A copy of the order, attested by the seal of the surrogate's court, must be transmitted by him to the surrogate designated in the order, together with the original will, where the testimony relates to the execution of a written will. If it shall appear from the order that objections to the probate of the will have been filed,[1] the latter surrogate must thereupon, on the day specified in the order, or on another day to which he may adjourn the examination, take the examination of the witness, but if it shall appear from the order that no such objections have been filed, the latter surrogate may cause the examination to be taken by one of the clerks described in section twenty-five hundred and ten of this act,[2] as if he possessed original jurisdiction of the special proceeding. The examination, after it is reduced to writing, and subscribed by the witness, or otherwise duly authenticated, together with a statement of the proceedings upon the execution of the order, must be certified by the surrogate or clerk[3] taking the examination, attested by the seal of his court, and returned without delay, with the original will, if any, to the surrogate who directed the examination, by whom all those papers must be filed. And in the other cases named in said section two thousand five hundred and thirty-nine, he may appoint a referee to take the testimony, who shall report the same to the said surrogate. An examination so taken has the same effect as if it was taken before the latter surrogate.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

[1] Sentence to here new.

[2] Words "but if it shall appear from the order that no such objections . . . of this act," new.

[3] Words "or clerk" new.

Chap. 106.

AN ACT to amend chapter eighty-four of the laws of nineteen hundred and nine, entitled "An act authorizing the city of Buffalo to issue its bonds for the construction and equipment of new school buildings," so as to authorize the use of the proceeds of said bonds for the purchase of lands and increase the limit on the rate of interest on such bonds.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter eighty-four of the laws of nineteen hundred and nine, entitled "An act authorizing the city of Buffalo to issue its bonds for the construction and equipment of new school buildings," is hereby amended so as to read as follows:

L. 1909, ch. 84, § 1 amended.

§ 1. The city of Buffalo is hereby authorized to issue its bonds from time to time, as it may deem necessary, in a sum not to exceed in the aggregate one million five hundred thousand dollars, for the purpose of raising money to purchase lands to be used for school purposes and[1] to construct and equip new school buildings in said city of Buffalo. Such bonds shall bear interest at such a rate, not exceeding four and one-half per centum[2] per annum, as shall be fixed by the common council in the resolution directing their issue, such interest to be[3] payable semi-annually at the office of the comptroller of the city of Buffalo, or at the Gallatin National Bank in the city of New York, as the purchaser may elect, the principal to be payable at the same place twenty years after the date of said bonds. It shall not be lawful for said city of Buffalo to issue in any one fiscal year bonds provided for by this act in excess of five hundred thousand dollars, provided, however, that nothing contained in this act shall be construed as repealing, modifying or limiting any provision of section three hundred and twenty-nine of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to

Bond issue authorized.

[1] Words "to purchase lands to be used for school purposes and," new.
[2] Formerly 4%.
[3] Words "as shall be fixed . . . such interest to be," new.

revise the charter of the city of Buffalo," or of any act amendatory thereof or supplementary thereto; but the powers hereby conferred shall be in addition to the powers conferred upon said city by said section. The bonds hereby authorized shall be issued from time to time by the mayor and comptroller, under the city seal, as may be ordered by the common council, and shall be sold or awarded in the manner provided in section four hundred and ninety-two of the charter of said city. The common council shall make provision in the general fund estimates of said city for the payment of the interest on and the principal of said bonds as the same shall become due.

Additional to powers conferred by charter.

Provision for payment.

§ 2. This act shall take effect immediately.

Chap. 107.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of placing underground the electrical wires of the police and fire departments of said city.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful for the city of Buffalo to issue its bonds in the sum of fifty thousand dollars for the purpose of raising money to defray the expense of placing underground the electrical wires of the police and fire departments of said city, such bonds to bear interest at a rate not exceeding four and one-half per centum per annum, payable semi-annually at the office of the comptroller of the city of Buffalo, or at the Gallatin National Bank in the city of New York, as the purchaser may elect, the principal to be payable at the same place, one-tenth thereof to be payable at the end of each successive year thereafter until the whole sum shall have been paid. Such bonds shall be issued from time to time by the mayor and comptroller, under the city seal, as may be ordered by the common council, and shall be sold or awarded as provided in section four hundred and ninety-two of the charter of said city. The common council shall make provision in the general fund estimates of said city for the pay-

ment of the interest on and the principal of said bonds as the same shall become due. The authority hereby granted shall be in addition to that granted to said city by chapter three hundred and thirty-five of the laws of nineteen hundred and eight.

§ 2. This act shall * effect immediately.

Chap. 108.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of refunding temporary loan bonds heretofore issued to raise money for the purchase of property to be used as a site for a technical high school in said city, and temporary non-negotiable certificates of indebtedness issued to secure a part of the purchase price of said technical high school site.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Buffalo is hereby authorized to issue its bonds in the sum of one hundred seventy-two thousand and twenty-six dollars and eighty-four cents, for the purpose of raising money to retire and pay certain temporary loan bonds in the sum of one hundred thousand dollars, issued by the city on or about the first day of January, nineteen hundred and eleven, and due and payable on the first day of July, nineteen hundred and eleven, said temporary loan bonds having been issued for the purpose of raising money to apply upon the purchase price of a site for a technical high school in said city, and to retire and pay certain temporary non-negotiable certificates of indebtedness, issued by said city on or about the first day of January, nineteen hundred and eleven, and due and payable on the first day of July, nineteen hundred and eleven, said temporary non-negotiable certificates of indebtedness having been issued for the purpose of securing a part of the purchase price of the said technical high school site. The bonds hereby authorized shall be issued by the mayor and comptroller under the city seal when and as ordered by the common council, with the approval of the mayor, and shall

* So in original.

be sold or awarded as provided in section four hundred and ninety-two of the charter of said city, being chapter one hundred and five of the laws of eighteen hundred and ninety-one, as amended by chapter two hundred and eighty-nine of the laws of eighteen hundred and ninety-four and chapter forty-eight of the laws of nineteen hundred and six; and shall bear interest at a rate not exceeding four and one-half per centum per annum, payable semi-annually at the office of the comptroller of the city of Buffalo, or at the Gallatin National Bank in the city of New York, as the purchaser may elect, the principal to be payable at the same place, one-twentieth one year from the date of said bonds, and one-twentieth annually thereafter until the whole of said principal sum shall have been paid. The proceeds of the sale of said bonds shall be used for the purpose of paying and retiring the temporary loan bonds and the temporary non-negotiable certificates of indebtedness hereinbefore mentioned. The common council shall make provision in the general fund estimates of said city for the payment of interest on and the principal of said bonds as the same shall become due.

§ 2. This act shall take effect immediately.

Chap. 109.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of refunding a certain temporary nonnegotiable certificate of indebtedness heretofore issued to secure the purchase price of property to be used for street and park purposes in said city.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Buffalo is hereby authorized to issue its bonds, in the sum of fifty-five thousand dollars, for the purpose of raising money to pay and retire certain temporary nonnegotiable certificates of indebtedness issued by said city on or about the twenty-third day of September, nineteen hundred and ten, and

due and payable on the first day of July, nineteen hundred and eleven, said temporary nonnegotiable certificates of indebtedness having been issued for the purpose of securing the purchase price of property purchased for street and park purposes in said city. The bonds hereby authorized shall be issued by the mayor and comptroller, under the city seal, when and as ordered by the common council, with the approval of the mayor, and shall be sold or awarded as provided in section four hundred and ninety-two of the charter of said city, being chapter one hundred and five of the laws of eighteen hundred and ninety-one, as amended by chapter two hundred and eighty-nine of the laws of eighteen hundred and ninety-four and chapter forty-eight of the laws of nineteen hundred and six; and shall bear interest at a rate not exceeding four and one-half per centum per annum, payable semi-annually at the office of the comptroller of the city of Buffalo, or at the Gallatin National Bank in the city of New York, as the purchaser may elect, the principal to be payable at the same place, one-twentieth one year from the date of said bonds, and one-twentieth annually thereafter until the whole of said principal sum shall have been paid. The proceeds of the sale of said bonds shall be used for the purpose of paying and retiring the temporary nonnegotiable certificates of indebtedness hereinbefore mentioned. The common council shall make provision in the general fund estimates of said city for the payment of interest on and the principal of said bonds as the same shall become due.

§ 2. This act shall take effect immediately.

Chap. 110.

AN ACT to make the office of county clerk of the county of Delaware a salaried office, and regulating the management of said office and fixing the salary of said clerk and his assistants.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Each clerk of the county of Delaware, hereafter to be elected, shall receive as compensation for his services an annual salary of twenty-five hundred dollars. Such salary shall not be

Salary.

increased or diminished during the term for which such clerk shall have been elected.

In lieu of other compensation.

§ 2. It shall be the duty of said clerk to perform all services which he is or shall be required or authorized to perform by virtue of or by reason of his holding such office, for the state, for the county, and for individuals, including his duties as clerk of every court of which he is or shall be clerk; and also his duties as clerk of the board of county canvassers, and no compensation, payment or allowance shall be made to him for his own use or for any such service except the salary aforesaid. Blank books, stationery and other necessary supplies for the use of said office, and for the official use of said clerk and his assistants in said office shall be purchased upon the credit of the county of Delaware, and itemized bills therefor, duly verified, shall be presented to the board of supervisors in the same manner as for other claims against the county. The board of supervisors shall allow and there shall be paid to the county clerk all expenses necessarily and actually incurred by him and his assistants in the performance of his official duties, including postage and expressage paid by him in conducting the affairs of his office.

Office supplies and other necessary expenses.

Fees, etc., to belong to county.

§ 3. All the fees, emoluments and perquisites which such clerk shall charge or receive, or which he shall be legally authorized, required or entitled by law to charge, or receive, shall belong to the county of Delaware. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments and perquisites for said county, but the charge for searching and certifying title to and incumbrances upon real property may be changed by the board of supervisors at any meeting thereof, provided such charge shall not at any time exceed such charge now allowed by law for such service. But such clerk shall not charge or receive any fees for services in pension cases, rendered for a pensioner of the United States or an applicant for a pension. Said clerk shall require payment in advance for recording all papers left with him for record, and shall also in each case require payment for all other services rendered by him or his assistants in his or their official capacity by virtue of any law of this state, or by order of the board of supervisors of said county, or any duty that may hereafter by law be devolved upon him as soon as the amount chargeable therefor can be ascertained.

Full amount of fees to be collected.

Charge for searching titles.

No fees in pension cases.

Fees to be paid when.

Account of services rendered

§ 4. In a proper book or books to be provided at the expense of the county, said clerk shall keep an exact and true account of

all official searches[1] performed by him or his assistants, and of all moneys, fees, and perquisites and emoluments received, collected or chargeable by him or them pursuant to law. Such book or books shall constitute a part of the records of said office and shall at all times during office hours be open to the inspection, without fee or charge therefor, of all persons desiring to examine the same. Fees, etc., received.

§ 5. Such clerk shall make a full and true statement for each calendar month of all moneys received each day by him or his assistants for fees, perquisites and emoluments and for all services rendered by him or them in his or their official capacity and shall transmit such statement to the county treasurer of said county on or before the fifth day of each month following the month for which such statement is made. Such statement shall specify in the following order the amount so received for the calendar month: Monthly statement to county treasurer of services and fees.

For recording deeds, with a statement of the total number of deeds recorded.

For recording mortgages, with a statement of the total number of mortgages recorded.

For recording other documents and papers.

For docketing judgments and canceling dockets.

For searches and certificates therefor, with a statement of the total number of searches made.

For copies and exemplifications of papers and records.

For filing papers, and for any and all other services, and shall also show the total receipts for said month. Every such statement shall have attached thereto an affidavit of said county clerk, or his deputy, in effect that the same is in all respects a full and true statement of all moneys by him received as herein required, and at the time of rendering every such statement said clerk shall pay over to the county treasurer of Delaware county, for the benefit of said county, the whole amount of the moneys so received by him since making the last preceding monthly statement. Payment of moneys to county treasurer.

§ 6. All abstracts and searches so made by said clerk and his assistants, shall, before delivery to the persons ordering them, be duly recorded in a book or books, to be provided by said county, and kept for that purpose, to be called the abstract and search record, which book shall be properly indexed, and shall be, together with the index, a part of the public records of said office. Abstract and search record.

§ 7. Every county clerk hereafter elected or appointed in said county shall before entering upon the duties of said office execute Bond of county clerk.

[1] "Services" probably intended.

to the people of this state and file with the county treasurer of said county a bond in such penal sum and with such sureties as shall be fixed by the board of supervisors of said county. Such bond shall be conditioned that said county clerk shall well and faithfully discharge all the duties of his office and all the trusts imposed upon him by law or by virtue of his office and shall safely keep and pay over to the said county treasurer as herein provided all moneys which shall come into his hands. Said bond shall be approved as to its form and sufficiency of sureties by the board of supervisors, and if any such clerk shall neglect for thirty days to execute and file such bond according to the provisions of this act, his office shall thereupon become vacant.

Deputy clerk and additional assistants; compensation.

§ 8. There shall be one deputy clerk, and the said county clerk shall appoint such deputy. Said deputy clerk shall hold office during the pleasure of said clerk, and shall receive such salary as shall be fixed by the board of supervisors. Said county clerk may also appoint such additional assistants as shall be necessary for a prompt and faithful discharge of the duties of his said office and who shall receive such salary as shall be fixed by the board of supervisors, but the compensation of such deputy clerk and such additional assistants shall not exceed in the aggregate the sum of twenty-five hundred dollars in any one year. The salaries and compensation of the said county clerk and his assistants shall be paid monthly by the county treasurer upon the certificate of the county clerk showing the amount due to each and for what.

Duties of deputy and assistants.

§ 9. The deputy clerk and his assistants shall at all times perform and do all such work and services in and about the county clerk's office, and in attendance upon the several terms of court which may from time to time be held within the county of Delaware as the county clerk may from time to time direct and require, and all such clerks are to be under the direction, supervision and control of the said county clerk at all times during their and each of their periods of employment, and for all of their official acts the county clerk shall be responsible.

Misdemeanor to neglect to account for fees belonging to county.

§ 10. Any county clerk, deputy clerk or other clerk referred to in this act, who shall receive to his own use or neglect to account for any fees, perquisites or emoluments by this act declared to belong to and be for the benefit of the county of Delaware, or who shall neglect to render to the said county treasurer an account of all fees received at his office, or to pay over the same as herein required shall be deemed guilty of a misdemeanor.

§ 11. The county clerk may require bonds, subject to his approval, from his deputy and other employees in his office to secure him for the faithful performance of their duties. Bonds of deputy and other employees.

§ 12. The said county clerk shall present to the board of supervisors annually not later than the fifteenth day of November in each year a full report, duly verified, for the preceding year ending September thirtieth of all the receipts of the office, the amounts paid over to the county treasurer and the amounts certified by him to be due his assistants for services, which account the board of supervisors shall examine and, if found correct, audit and allow the same. Annual financial report of county clerk.

§ 13. The county of Delaware shall not be held responsible for any of the official acts or failure to act of said county clerk or any of his deputies, special deputies, assistants or other persons employed by him to assist him in the performance of his official duties, or any duties devolving upon him or them by virtue or by reason of his holding said office or appointment thereunder. County not responsible for official acts of county clerk or assistants.

§ 14. All the provisions of law now in force regulating and governing fees, perquisites and emoluments of the county clerk of the county of Delaware now in office shall remain in full force and effect until the expiration of his present term of office, or until the appointment of his successor. Saving clause.

§ 15. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 16. This act shall take effect immediately.

Chap. 111.

AN ACT to authorize the board of trustees of the village of Seneca Falls to issue bonds to pay the cost of paving portions of certain streets in said village in which the tracks of the Geneva and Auburn Railway Company are located and to assess the cost thereof on such railway company.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Seneca Falls is hereby authorized and empowered to borrow on the credit of the Borrowing of money authorized.

said village, a sum not to exceed sixteen thousand dollars, for the purpose of paying the cost of paving and improving that portion of East Bayard, Ovid and Fall streets, between the tracks of the Geneva and Auburn Railway Company, the rails of its said tracks and two feet in width on each side of the rails outside of the tracks of the said railway company.

Bond issue authorized.

§ 2. The said board of trustees of the village of Seneca Falls is hereby authorized and empowered to issue bonds for the money

Bonds.

so borrowed. Such bonds shall be signed by the president and treasurer, and attested by the clerk under the corporate seal. They shall become due within thirty years from the date of issue, and, unless the whole amount of the indebtedness represented thereby is to be paid within five years from their date, they shall be so issued as to provide for the payment of the indebtedness in equal annual instalments, the first of which shall be payable not more than five years from their date. They shall bear interest at a rate not exceeding five per centum per annum, and shall be negotiated for not less than their par value. They shall be sold on sealed proposals or at public auction upon notice published in the official paper of the said village and also in each other newspaper actually printed in said village and posted in three public places in the village at least ten days before the sale, to the person who will take them at the lowest rate of interest. They shall be consecutively numbered from one to the highest number issued, and the clerk of said village shall keep a record of the number of each bond, its date, amount, rate of interest, when and where payable, and the purchaser thereof or the person to whom they are issued.

Sale.

Record.

Assessment on railway for pavement between and about tracks, authorized.

§ 3. The board of trustees of said village of Seneca Falls is hereby authorized and empowered to assess upon said Geneva and Auburn Railway Company the cost of such pavement and improvement between its said tracks, the rails of its tracks and two feet in width on each side of the rails outside its tracks, and the amount so assessed shall be a first lien upon all the property and franchises of such railway company within the corporate limits of said village until fully paid. At the time of making such assessment the board of trustees may provide that the said railway company may have the privilege of paying the same in ten equal annual instalments, upon filing with the village clerk within ten days thereafter, its election and agreement to pay the same in that manner, with interest thereon at the rate of five per centum per

annum, payable annually; and every instalment with accrued interest shall be a first lien upon the property and franchises of the said railway company until fully paid.

§ 4. This act shall take effect immediately.

Chap. 112.

AN ACT to legalize the action of the board of trustees and of the electors of the village of Canajoharie, in relation to the issue of the bonds of such village for fifty thousand dollars to defray a portion of the expense of establishing a system of water works therein, and to legalize such bonds and the issuance thereof, and to provide for the payment of the same.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All proceedings taken by the board of trustees of the village of Canajoharie, New York, in relation to borrowing on the credit of such village, the additional sum of fifty thousand dollars, and of issuing bonds of such village therefor, and of expending the money so to be borrowed toward defraying in part the expense of establishing a system of water works for supplying the inhabitants of such village with water, and all other proceedings had or undertaken by the said board of trustees in any way relating thereto, are hereby legalized, ratified and confirmed and made of the same force and legal effect as though all of the provisions of the law applicable to the issuing of bonds for such purposes had been strictly and fully complied with. The proposition voted for and adopted at the special election of the qualified electors held in and for such village on the twelfth day of September, nineteen hundred and ten, appropriating the said sum of fifty thousand dollars or so much thereof as may be necessary, and providing for the raising of such sum or so much thereof as may be necessary for the purpose of completing such system of water works, for the supplying of the village of Canajoharie and its inhabitants with water, and providing further for the issuing of the bonds or other obligations of such village to an amount not exceeding fifty thousand dollars, for such purposes, as well as all proceedings had in relation thereto

Proceedings relative to bond issue legalized.

prior to and including such special election and subsequent thereto, notwithstanding the omission of any lawful requirement from such proposition or resolution submitted to and adopted by the taxpayers of such village, are hereby legalized, ratified and confirmed. The board of trustees of such village are hereby authorized to advertise, sell and issue the said bonds to the amount of fifty thousand dollars as provided by law, and when so advertised, sold and issued, the same are hereby declared to be legal and valid obligations of such village of Canajoharie, and each and every act of such village and of the board of trustees thereof heretofore done, undertaken or begun in pursuance of the objects of or any object of this act are, and each of them is, ratified and declared valid.

Bond issue authorized.

Bonds validated.

§ 2. The board of trustees of the village of Canajoharie, in the manner provided by law, shall cause to be raised annually by the levy and collection of taxes upon the taxable property of such village, such sums, which, with the revenues derived from such water works system properly applicable thereto, shall be sufficient to pay the principal and interest as the same shall become due and payable, until said bonds and the interest thereof are fully paid.

Tax for payment.

§ 3. This act shall take effect immediately.

Chap. 113.

AN ACT to amend the Lackawanna city charter, in relation to definitions.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 574, § 7 amended.

Section 1. Section seven of chapter five hundred and seventy-four of the laws of nineteen hundred and nine, entitled "An act to incorporate the city of Lackawanna," is hereby amended to read as follows:

§ 7. **Definitions.** The official and fiscal year of the city shall commence at noon on the first day of January in such year. The term "streets," as used in this act, include highways, alleys, lanes, and sidewalks. The term "resolution," as used in this act, includes all motions, orders, rules, regulations and by-laws other

than ordinances. The word "persons," as used in this act, shall be construed to include all persons, firms, corporations and associations. [1]The words "city attorney," as used in this act shall be construed to mean "corporation counsel."

§ 2. This act shall take effect immediately.

Chap. 114.

AN ACT to amend the village law, in relation to election on proposition to incorporate.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fourteen of chapter sixty-four of the laws of nineteen hundred and nine, entitled "An act relating to villages, constituting chapter sixty-four of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 64, § 14 amended.

§ 14. **Canvass of election.** Immediately after the closing of the polls of the election the board of inspectors shall canvass the ballots cast thereat, and make and sign a certificate of the holding of the election and of the canvass, showing, if the territory is wholly within one town, the whole number of such ballots, the number for incorporation, and the number against incorporation; or if it includes parts of two or more towns, showing such facts separately as to each town. Within three days after the election, the inspectors shall file such certificate in the office of the town clerk with whom the proposition and other papers are filed. [1]If the certificate shows that a majority of the votes cast at such election in each town included in the territory is against the proposition to incorporate, then no other election shall be held on such proposition within such town or towns within two years from the date of such election at which such proposition was voted down.

§ 2. This act shall take effect immediately.

[1] Following sentence new.

Chap. 115.

AN ACT to amend the code of criminal procedure, relative to the appointment of stenographers to take evidence before grand juries and at coroner's inquests and examinations and trials of criminal cases.

Became a law May 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 952p amended.

Section 1. Section nine hundred and fifty-two-p of the code of criminal procedure is hereby amended to read as follows:

§ 952-p. **Appointment of stenographers.** It shall be lawful for the district attorney of any county of this state, to appoint a stenographer to take the testimony given before the grand juries in said county. In the county of Erie, it shall be lawful for the district attorney of such county to appoint two stenographers, each of whom shall have authority to take and transcribe the testimony given before the grand juries in the said county of Erie, and such appointments shall be in writing, under the hand and seal of such district attorney, and shall be filed in the county clerk's office of said county of Erie. [1]In the county of New York, it shall be lawful for the district attorney of such county to appoint three stenographers, each of whom shall have authority to take and transcribe the testimony given before the grand juries in said county of New York, and such appointments shall be in writing, under the hand and seal of such district attorney, and shall be filed in the county clerk's office of said county of New York. In the county of Monroe, it shall be lawful for the district attorney of such county to appoint three stenographers, to be known as the first, second and third stenographer, each of whom shall have authority to take and transcribe the testimony given before the grand juries in said county of Monroe, and each of whom shall be considered as an assistant to the district attorney and under his direction and control. Every stenographer so appointed whenever directed by the district attorney, shall have authority to attend upon and take and transcribe the testimony given at coroner's inquests and the examination and trial of crim-

[1] Following sentence new.

inal cases, which said testimony so taken and transcribed shall be for the exclusive use and benefit of the district attorney, unless otherwise ordered by the court, or otherwise agreed upon by the district attorney. The appointment of a stenographer by said district attorney shall be deemed a revocation of any prior appointment of a stenographer.

§ 2. This act shall take effect immediately.

Chap. 116.

AN ACT to amend the tax law, in relation to tax districts.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty of chapter sixty-two[1] of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," is hereby amended to read as follows: L. 1909, ch 62, § 20 amended.

§ 20. **Ascertaining facts for assessment.** [2]The assessors in each tax district shall annually between May first and July first, ascertain by diligent inquiry all the property and the names of all the persons taxable therein, except that in towns containing an incorporated village having a population of more than ten thousand inhabitants according to the last state census the assessors may have from April fifteenth until July first to ascertain the taxable property and names of persons taxable in such towns, and except that in towns containing an incorporated city having a population of more than ten thousand inhabitants according to the last state census, where said city so situated shall have its own separate board of assessors, the town assessors may have from May first to July first to ascertain the taxable property and names of persons taxable in such towns.

§ 2. This act shall take effect October first, nineteen hundred and eleven. In effect Oct. 1, 1911.

[1] Section 20 is further amended by L. 1911, ch. 805, post.

[2] Sentence omitted which read as follows: "The assessors in each tax district may, by mutual agreement, divide it into convenient assessment districts not exceeding the number of such assessors."

Chap. 117.

AN ACT to amend the tax law, in relation to assessment-rolls in cities.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 21a added to L. 1909, ch. 62.

Section 1. Chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," is hereby amended by adding a new section, to be section twenty-one-a, to follow section twenty-one, and to read as follows:

§ 21-a. **Assessment-rolls in cities.** In all cities there shall be an additional column in the assessment-roll before the column in which is set down the value of real property, and in such additional column there shall be set down the value of the land exclusive of buildings thereon. The total assessment only can be reviewed.

In effect Oct. 1, 1911.

§ 2. This act shall take effect October first, nineteen hundred and eleven.

Chap. 118.

AN ACT to amend the tax law, in relation to statement of aggregate valuation.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 62, § 61 amended.

Section 1. Section sixty-one of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," is hereby amended to read as follows:

§ 61. **Statement of valuation to be forwarded to state board of tax commissioners.**[1] The clerk of each board of supervisors shall, on or before the second Monday in December, transmit to the state board of tax commissioners[1] in the form to be prescribed by

[1] Formerly "comptroller."

such state board of tax commissioners[1] a certificate or return of the aggregate assessed and equalized valuation of the real and personal estate in each tax district as the valuation of such real estate has been corrected by such board, and the amount of tax assessed thereon for town, city, school, county and state purposes. Also the aggregate assessed valuation of personal property classified as follows:

1. Property of resident natural persons assessed pursuant to section twenty-one.

2. Property held by agents, trustees, guardians, executors or administrators, assessed pursuant to sections eight and thirty-three.

3. Property of domestic corporations assessed pursuant to section twelve.

4. Property of nonresident natural persons assessed pursuant to subdivision one of section seven.

5. Property of nonresident natural persons assessed pursuant to subdivision two of section seven.

6. Property of foreign corporations assessed pursuant to section seven.

In the city of New York such report shall be made by the department of taxes and assessments.

[2] The state board of tax commissioners shall certify to the comptroller, on his request, before the thirty-first of December in each year, such extracts or items, from the returns above mentioned, as he may desire.

§ 2. This act shall take effect October first, nineteen hundred and eleven. In effect Oct. 1, 1911.

Chap. 119.

AN ACT to amend the tax law, in relation to providing for statistics of taxation, revenue and debt.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," is hereby amended by § 64 added to L. 1909, ch. 62.

[1] Formerly "comptroller."
[2] Remainder of section new.

adding a new section, to be section sixty-four and to follow section sixty-three, and to read as follows:

§ 64. **Statistics of taxation, revenue and debt.** The comptroller shall collect in such detail as may be desirable statistical information relative to the assessment and collection of taxes and other revenue of the municipalities within the state, and of the extent and character of the indebtedness of the several municipalities, and of the provisions and operation of sinking funds for the extinction of such indebtedness. It shall be the duty of all taxing officials and financial officers of any municipality to furnish all information requested by the comptroller. The comptroller shall furnish an abstract of such statistical information to the state board of tax commissioners for publication in the annual report of such board.

In effect Oct. 1, 1911.

§ 2. This act shall take effect October first, nineteen hundred and eleven.

Chap. 120.

AN ACT to amend the tax law, in relation to the official visits to the counties of the state by the state board of tax commissioners.

Became a law May 10, 1911, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 62, § 173 amended.

Section 1. Section one hundred and seventy-three of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," is hereby amended to read as follows:

§ 173. **Tax commissioners to visit counties.** One[1] or more members of the state board of tax commissioners shall officially visit every county in the state at least once in two years, and inquire into the methods of assessment and taxation, and ascertain whether the assessors faithfully discharge their duties and particularly as to their compliance with the provisions of this chapter requiring the assessment of all property not exempt from taxation at its full value.

§ 2. This act shall take effect immediately.

[1] Formerly "Two."

Chap. 121.

AN ACT to amend the penal law, in relation to the crime of extortion.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections eight hundred and fifty-one and eight hundred and fifty-seven of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," are hereby amended to read respectively as follows: L. 1909, ch 88, §§ 851, 857 amended.

§ 851.[1] **What threats may constitute extortion.** Fear, such as will constitute extortion, may be induced by an oral or written[1a] threat:

1. To do an unlawful injury to the person or property of the individual threatened, or to any relative of his or to any member of his family; or,

2. To accuse him, or any relative of his or any member of his family, of any crime; or,

3. To expose, or impute to him, or any of them, any deformity or disgrace; or,

4. To expose any secret affecting him or any of them.

§ 857. **Attempts to extort money or property by oral[2] threats.** A person who, under circumstances not amounting to robbery, or an attempt at robbery, with intent to extort or gain any money or other property, orally[3] makes such a threat as would be criminal under any of the foregoing sections of this article or of section five hundred and fifty-one, if made or communicated in writing, is guilty of a misdemeanor. [4] The provisions of this section do not apply to matters governed by section eight hundred and fifty-one of this act.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

[1] Section 851 is again amended by L. 1911, ch. 602, post. See note to latter chapter.

[1a] Words "an oral or written," new.

[2] Formerly "verbal."

[3] Formerly "verbally."

[4] Following sentence new.

Chap. 122.

AN ACT to amend section nineteen hundred and three of the code of civil procedure, relating to distribution of damages recovered.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1903 amended.

Section 1. Section nineteen hundred and three of the code of civil procedure is hereby amended to read as follows:

§ 1903. **Distribution of damages recovered.** The damages recovered in an action, brought as prescribed in the last section, are exclusively for the benefit of the decedent's husband or wife, and next of kin; and when they are collected, they must be distributed by the plaintiff, as if they were unbequeathed assets, left in his hands, after payment of all debts, and expenses of administration; [1]subject, however, to the following provision, to wit: In case the decedent shall have left him surviving a wife, or a husband, but no children, the damages recovered shall be for the sole benefit of such wife or husband. [2] The plaintiff may deduct[3] from the recovery the reasonable[4] expenses of the action, the reasonable funeral expenses of the decedent, and his commissions upon the residue; which must be allowed by the surrogate, upon notice, given in such a manner and to such persons, as the surrogate deems proper.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

[1] Remainder of sentence new.
[2] Word "But" omitted.
[3] Word "therefrom" omitted. Words "from the recovery" new.
[4] Word "reasonable" new.

Chap. 123.

AN ACT to incorporate the trustees of the Phelps-Stokes fund.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. David H. Greer, John MacCracken, Olivia Egleston Phelps Stokes, Isaac Newton Phelps Stokes, Helen Olivia Phelps Stokes, Francis Louis Slade, Caroline M. Phelps Stokes Hunter, Grace H. Dodge, Anson Phelps Stokes, junior, John Sherman Hoyt and Edward W. Sheldon, together with such persons as they may associate with themselves and their successors are hereby constituted a body corporate by the name of The Trustees of the Phelps-Stokes Fund for the purpose of receiving the trust estate, property and funds now in the hands of the above named persons as trustees or hereafter received by them under the seventeenth clause of the will of Caroline Phelps Stokes, deceased, dated June twenty-nine, eighteen hundred and ninety-three, and admitted to probate by the surrogates' court of New York county on November nine, nineteen hundred and nine, which trust estate, property and funds such testamentary trustees are hereby authorized to convey, transfer and set over to such corporation, and for the purpose of receiving any other funds which may hereafter be given to such corporation and maintaining such fund or funds and investing the same and applying the income thereof to the erection and improvement of tenement house dwellings in the city of New York for the poor families of that city, either directly or by the acquisition of the capital stock or obligations of any other corporation organized for that purpose; and for the education of negroes, both in Africa and the United States, North American Indians and needy and deserving white students, through industrial schools, the founding of scholarships, and the erection or endowment of school buildings or chapels. It shall be within the purpose of said corporation to use any means to such ends which shall from time to time seem expedient to its members or trustees including research, publication, the establishment and maintenance of charitable or benevolent activities, agencies and institutions, and the aid of any such activities, agencies or institutions already established.

Corporators.

Corporate name.

Purposes and powers.

Powers as to property.

§ 2. The corporation hereby formed shall have power to take and hold by bequest, devise, gift, purchase or lease either absolutely or in trust for any of its purposes any property, real or personal, without limitation as to amount or value except such limitation, if any, as the legislature has heretofore imposed or may hereafter impose; to lease, mortgage, improve, exchange, sell, convey or dispose of such property and to invest and reinvest the principal and income thereof and expend the principal and income in such manner as in the judgment of its trustees will best promote its objects. It shall have all the power and be subject to all the restrictions which now pertain by law to membership corporations so far as the same are applicable thereto, and are not inconsistent with the provisions of this act.

Trustees and members.

§ 3. The persons named in section one of the act shall constitute the first board of trustees and the members of the corporation. Vacancies among the trustees or members shall be filled by the remaining trustees in such manner as the by-laws of the corporation shall prescribe. Said persons or a majority of them shall hold a meeting, elect officers and adopt by-laws not inconsistent with the constitution and laws of the state. The by-laws shall prescribe the number of trustees by whom the affairs and business of the corporation shall be managed, the number of members who shall constitute a quorum for the transaction of business at meetings of the corporation, the powers and the manner of selection of the trustees and officers of the corporation and any other provisions for the management and disposition of the property and the regulation of the affairs of the corporation which may be deemed expedient.

By-laws.

§ 4. This act shall take effect immediately.

Chap. 124.

AN ACT to amend the public service commissions law, in relation to the issuance of free passes, or franks, by telephone or telegraph companies.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section ninety-two of chapter four hundred and eighty of the laws of nineteen hundred and ten, entitled "An act in relation to public service commissions, constituting chapter forty-eight of the consolidated laws," as amended by chapter six hundred and seventy-three of the laws of nineteen hundred and ten, is hereby amended to read as follows:

L. 1910, ch. 480, § 92, subd. 3, as amended by L. 1910, ch. 673, amended.

3. No telegraph corporation or telephone corporation subject to the provisions of this chapter shall, directly or indirectly, give any free or reduced service, or any free pass or frank for the transmission of messages by either telephone or telegraph between points within this state, except to its officers, employees, agents, pensioners, surgeons, physicians, attorneys-at-law and their families; to persons or corporations exclusively engaged in charitable and eleemosynary work and ministers of religions; to officers and employees of other telegraph corporations and telephone corporations, railroad corporations[1] and street railroad corporations. But this subdivision shall not apply to state, municipal or federal contracts.

§ 2. This act shall take effect immediately.

[1] Words "railroad corporations" new.

Chap. 125.

AN ACT to amend chapter one hundred and thirty-seven of the laws of eighteen hundred and sixty-one, entitled "An act to empower Masters Lodge number five of Free and Accepted Masons, in the city of Albany, to hold and convey real estate," in relation to the election of trustees.

Became a law May 10, 1911, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1861, ch. 137, § 3 amended.

Section 1. Section three of chapter one hundred and thirty-seven of the laws of eighteen hundred and sixty-one, entitled "An act to empower Masters Lodge number five of Free and Accepted Masons, in the city of Albany, to hold and convey real estate," is hereby amended so as to read as follows:[1]

Trustees, number and election.

§ 3. The affairs of said corporation shall be managed by three trustees, who shall hold office for three years and be elected as follows: At the first regular meeting of said lodge next before the twenty-seventh day of December, nineteen hundred and eleven, three trustees shall be elected from among the members thereof, one to serve one year, one to serve two years and one to serve three years, and thereafter at the first regular meeting of said lodge next before the twenty-seventh day of December, in each year, one trustee shall be elected from among the members of said lodge, to serve three years, and until the first election to be held under this act, the present trustees of said lodge shall be the trustees of the corporation.

§ 2. This act shall take effect immediately.

[1] Section materially amended.

Chap. 126.

AN ACT to amend the insurance law, in relation to the character of the automobile indemnity which may be assumed by fire and marine insurance corporations.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and ten of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as amended by chapter one hundred and sixty-eight of the laws of nineteen hundred and ten, is hereby further amended to read as follows:

L. 1909, ch. 33, § 110, as amended by L. 1910, ch. 168, amended.

§ 110. **Incorporation.** Thirteen or more persons may become a corporation for the purpose of making insurances on dwelling-houses, stores and all kinds of buildings and household furniture, and other property against loss or damage by fire, lightning, wind storms, tornadoes, or earthquakes, and also against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps or other apparatus erected for extinguishing fires, and of water pipes, and against accidental injury to such sprinklers, pumps or other apparatus, and upon vessels, boats, cargoes, goods, merchandise, freights and other property against loss or damage by all or any of the risks of lake, river, canal and inland navigation and transportation, as well as by any or all of the risks specified in section one hundred and fifty of this chapter, including insurances upon automobiles, whether stationary or being operated under their own power, which shall include all or any of the hazards of fire, explosion, transportation, collision, loss by legal liability for damage to property resulting from the maintenance and use of automobiles, and loss by burglary or theft or both, but shall not include insurances against loss by reason of bodily injury to the person,[1] and to effect reinsurance of any risks taken by it, by filing in the office of the superintendent of insurance a declaration signed by all of them of their intention to form a corporation for the purpose of transacting the

[1] Words "which shall include all or any of the hazards of fire, ... to the person," new.

business of making any or all of such insurances, which shall comprise a copy of the charter proposed to be adopted by them, setting forth the name of the corporation, the place of location of its office, the mode in which its corporate powers are to be exercised and its directors elected, a majority of whom shall be citizens of this state, and if a stock corporation, the owner in his own right of at least five hundred dollars of the stock of the corporation at its par value, the mode of filling vacancies in the office of director, the period for the commencement and termination of its fiscal year and the amount of capital to be employed in the transaction of its business; provided that a corporation including in its charter a provision to assume any of the risks of ocean marine insurance as specified in section one hundred and fifty of this chapter must have a capital, paid in in cash, of at least four hundred thousand dollars. No such declaration shall be filed, unless the persons signing the same shall have previously published for at least two weeks successively a notice of their intention to form such a corporation in a public newspaper in the county where its office is to be located. Every such corporation shall be known as a fire insurance corporation. No such corporation shall directly or indirectly deal or trade in buying or selling any goods, wares, merchandise or other commodities whatever, except such articles as may be insured by it and are claimed to be damaged by any cause so insured against.

§ 150, as amended by L. 1909, ch. 240 and L. 1910, ch. 168, amended.

§ 2. Section one hundred and fifty of said chapter as amended by chapter two hundred and forty of the laws of nineteen hundred and nine and chapter one hundred and sixty-eight of the laws of nineteen hundred and ten, is hereby further amended to read as follows:

§ 150. **Incorporation.** Thirteen or more persons may become a corporation for the purpose of making insurances upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank-notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and every insurance appertaining to or connected with marine risks and risks of transportation and navigation, including the risks of lake, river, canal and inland transportation and navigation, insurance upon automobiles, whether stationary or being operated under their own power, which shall include all or any of the hazards of fire, explosion, transportation, collision, loss by legal liability for damage to property resulting from the maintenance and use of automobiles, and loss by burglary or theft or both, but shall not in-

clude insurances against loss by reason of bodily injury to the person,[2] and of reinsuring any risks taken by it, by making, acknowledging and filing in the office of the superintendent of insurance a declaration signed by all of them, stating their intention to form a corporation for one or more or all of such purposes, with a copy of the charter proposed to be adopted by it, which charter shall set forth the name of the corporation, the place where its principal office shall be located, the mode in which its corporate powers are to be exercised, and of electing directors, each of whom, if a stock corporation, shall be the owner in his own right of five hundred dollars par value of its stock and a majority of whom shall be citizens of this state, the mode of filling vacancies in the office of director, the period for the commencement and termination of its fiscal year, the amount of its capital or capital stock and the number of shares into which it shall be divided, if a stock corporation. Thereupon such persons and all others who shall become stockholders or members thereof, shall be a corporation by the name expressed in the charter.

No such corporation shall commence the transaction of the business of insurance until after publication of a notice of its intention to do so, once a week for at least six weeks, in a public newspaper in the county in which it is proposed to be located, nor if a stock corporation, until its capital stock shall all have been paid in in cash. Every such corporation shall continue in existence for thirty years, or for such less time as may be specified in its charter. No such corporation shall directly or indirectly deal or trade in buying or selling goods, wares or merchandise, or other commodities, except such as may have been insured by it, and such as may be sold under judicial process or otherwise in which or in the profits of the sale of which it may be interested by reason of having previously become insurers of the same or of some share or portion thereof.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect on the first day of July, nineteen hundred and eleven. In effect July 1, 1911.

[2] Words "which shall include all or any of the hazards of fire, . . . to the person," new.

Chap. 127.

AN ACT to provide for a supply of pure and wholesome water for the city of Mount Vernon; and for the acquisition of lands or interests therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners; board of water supply.

Section 1. Immediately after the passage of this act the mayor of the city of Mount Vernon shall appoint three persons who shall be commissioners for the purposes hereinafter specified. The persons so to be appointed shall be public officers and shall constitute a board or commission to be called "the board of water supply of the city of Mount Vernon." Every member of this board shall during his term of office be a resident of the city of Mount Vernon. Each of the commissioners shall be entitled to receive a yearly salary to be fixed by the common council, payable in equal monthly instalments, and shall hold no other federal, state or municipal office, except the offices of notary public or commissioner of deeds. When appointing such persons the mayor shall appoint one of said number to serve as a member of said board of water supply for the term of one year from the time of the making of such appointment; another of said persons for the term of two years and another of said persons for the term of three years; and annually thereafter the mayor of the city of Mount Vernon shall appoint a resident of the city of Mount Vernon for the term of three years, in place of the member of said board whose term shall expire in that year.

Officers of board.

The board shall have power to appoint from among its own members a president, a secretary and a treasurer, and to adopt a seal and by-laws regulating the transaction of its business. The said treasurer shall give such bond as the common council of said city shall require.

Employees.

The board shall also have power to select and appoint and at pleasure remove an attorney or attorneys and such engineers, surveyors, draughtsmen, stenographers, clerks and employees as may be

necessary, and to fix their compensation, and in addition to the powers hereinafter specifically conferred, shall have such further powers as may be requisite to the efficient performance of the duties imposed upon it by this act. Two members shall constitute a quorum of said board for the transaction of all business of the board. All contracts and other papers to be executed pursuant to a resolution adopted by the board, may be executed in the name of the board and under its seal and attested by the signature of the president or secretary, or of any member of the board duly authorized by resolution so to do. No member of said board shall be removed except for incompetency or misconduct shown after a hearing upon due notice, upon stated charges. Such removal shall be made by the common council by a three-fourths vote of all its members. In case of the death, resignation or removal of any member of said board the mayor shall appoint a successor to fill out the unexpired term of the member of said board who shall so die, resign, refuse to act or be removed.

General powers.

Quorum.

Execution of contracts, etc.

Removal from office.

Filling vacancies.

§ 2. It shall be the duty of the board to proceed immediately with all reasonable speed to ascertain what sources exist and are most available, desirable and best for a supply of pure and wholesome water for the city of Mount Vernon. The board shall make such surveys, maps, plans, specifications and estimates and investigations as it may deem proper in order to ascertain the facts as to said sources, and shall report to the common council with a recommendation as to what action in its opinion should be taken with reference thereto, so that the board of water supply and the common council may be enabled to determine from what sources and in what manner the city of Mount Vernon may best secure a supply of pure and wholesome water. It shall not be necessary that the project contemplated by this act shall be acted upon by or under one report or at one time, but it shall be lawful for the said boards, to wit, the said board of water supply and the said common council, to report upon, consider and determine the project in parts or sections from time to time as the said boards may deem fit, so that the city may be able to obtain a supply of water or from time to time an additional supply of water from one and the same or one or more sources at any time.

Board to ascertain sources of supply of water.

Report.

Project not necessarily to be acted upon at one time.

§ 3. The common council upon the receipt of the said report or reports of the board of water supply may adopt, modify or reject the whole or any part of the same, and may cause such surveys to be made and such further information to be obtained as it shall deem expedient to enable it to act intelligently in the

Action by common council.

Further action by board.

premises. In case of the modification or rejection of the recommendations in said report or reports or any part thereof by the common council the board of water supply in like manner aforesaid shall prepare and submit to the common council a further report or reports, surveys, maps, plans, specifications, estimates and investigations, and make such changes and modifications as shall seem proper to the common council; and shall continue so to do under the direction of the common council until a map, plan or plans covering the entire work contemplated by this act shall be approved and adopted by the common council. The same course shall be pursued in the matter of any additional supply of water after the original map, plan or plans covering the entire work contemplated by this act shall have been approved and adopted by the common council as aforesaid. The said map, plan or plans as may be made and adopted in parts or sections from time to time may be changed or modified either before or after adoption as the common council may deem necessary for the more efficient carrying out of the provisions of this act. The common council prior to the adoption of such map, plan or plans or the modification thereof shall give to all persons interested a reasonable opportunity to be heard respecting the same, and shall give reasonable public notice of such hearing, whereat testimony may be produced by the parties appearing in such manner as the common council may determine, and the mayor and president of the common council are and each of them hereby is authorized to administer oaths and issue subpœnas in any proceeding pending before said common council under this act. Notice of such hearing shall be given in addition to the above provision by mailing to the chairman and clerk of the board of supervisors of the county where the real estate to be acquired is situated a notice of said hearing at least eight days before the time named in said notice. A final map, plan or plans approved and adopted by the common council shall be executed in quadruplicate, one of which shall remain on file with the clerk of the city of Mount Vernon, one of which shall be placed on file in the office of the board of water supply, one or a certified copy thereof shall be filed in the county clerk's office or register's office of each county in which any land affected thereby is situated, and one copy or a certified copy thereof shall be filed in the office of the state water supply commission.

Same course in case of additional supply of water.

Hearing.

Filing of map and plans.

Lands and waters may be entered upon.

§ 4. The board of water supply, its agents, engineers, surveyors and such other persons as may be necessary to enable it to

perform its duties under this act are hereby authorized to enter upon any land or water for the purpose of making surveys, examinations or investigations and preparing maps, plans and reports contemplated by this act.

Submission of similar maps.

§ 5. After the approval, adoption and filing of a final map, plan or plans as described in section three of this act, the board of water supply shall prepare and submit to the common council six similar maps or plans of the proposed sites of the dams, reservoirs, aqueducts, sluices, culverts, canals, pumping works, bridges, tunnels, blow-offs, ventilating shafts, filters, connections and other works of construction and the appurtenances thereof. Upon these maps there shall be laid out and numbered the various parcels of real estate on, over or through which the same are to be constructed and maintained, or which may be necessary for the prosecution of the work authorized by this act. On said maps the natural and artificial lines existing on the surface of the soil at the time of the survey shall be delineated and there shall be plainly indicated thereon of which parcels the fee, and over, or through which parcels the right to use, and occupy the same in perpetuity is to be acquired. The common council may adopt, modify or reject said maps in whole or in part and require others to be made instead thereof. The said maps may be made and filed in sections. One or more sections may be determined before the maps of the whole construction are completed. The said sections shall be determined and decided upon previous to the appointment of commissioners of appraisal as hereinafter provided for, and shall be so determined that one of said commissioners shall not be appointed upon a section covering more property than can be reasonably passed upon and awards made by the said commissioners within the limits of a year from the time of the filing of the oaths as hereinafter provided. The proceedings hereafter authorized may in like manner be had separately in reference to one or more of such sections before the maps of the whole are filed. The work upon one or more of such sections may be begun before the maps of the remaining sections are filed. In case of such rejection the board of water supply shall, in like manner as aforesaid, prepare and submit others, until the maps shall be approved by the common council covering the entire area for the construction, maintenance and operation of such aqueducts, dams, reservoirs, culverts, sluices, canals, bridges, tunnels, pumping works, blow-offs, shafts, filters, connections and appurtenances according to the maps, plans or plan theretofore by said common

To show parcels of real estate embraced.

Action by common council.

Maps may be made in sections; sections may be acted upon separately.

Submission of other maps if rejected.

Transmission to board of water supply.

council approved. The maps so adopted by the said common council shall be by the said common council transmitted to the board of water supply, with a certificate of such approval written thereon and signed by the mayor or acting mayor and the city clerk.

Maps to be filed with county clerk or registrar.

§ 6. The attorney or attorneys for the said board of water supply shall cause one of said maps described in the next preceding section or a certified copy thereof to be filed in the office of the clerk of each county in which any real estate laid out on said map shall be located, except that in a county in which there is a registrar's office the said maps shall be filed therein instead of in the office of the county clerk. The other maps described in the next preceding section shall be disposed of in the manner indicated in the succeeding sections of this act.

Application for appointment of commissioners of appraisal.

§ 7. After the said maps shall have been filed as provided for in the preceding section, the said attorney or attorneys for the board of water supply for and on behalf of the city of Mount Vernon shall, upon first giving the notice required in the next section of this act, apply to the supreme court at any special term thereof to be held in the judicial district in which the lands or some part thereof shown on the said maps, and the title to which it is proposed to acquire in the proceeding thus instituted, is situated, for the appointment of commissioners of appraisal. Upon such application he shall present to the court a petition signed and verified by one of the board of water supply duly authorized by the said board so to do, according to the practice of the court, setting forth the action theretofore taken by the board of water supply and by the common council and the filing of such maps and praying for the appointment of commissioners of appraisal. Such petition shall contain a general description of all the real estate to, in or over which any title, interest, right or easement is sought to be acquired for the said city for the purpose of this act, each parcel being more particularly described by reference to the number of said parcel as given on said maps, and the title, interest or easement sought to be acquired to, in or over such parcel, whether the fee or otherwise shall be stated in the petition. Before proceeding under this section it shall be the duty of said board of water supply to endeavor to agree with the owner of any real estate to, in or over which any title, interest, right or easement is sought to be acquired for the said city for the purposes of this act as to the amount of compensation to be paid to such owner therefor. And the fact that such effort has been made and that no agreement has

Agreement for compensation to be paid to be first sought.

been reached, with the reasons therefor, shall be stated in such petition; and no order appointing any such commissioners of appraisal as in said petition prayed for and as hereinafter provided for shall be made in any instance unless and until the court shall find and judicially determine that the failure to agree with any such owner upon the compensation so to be allowed him is due to the fact that such owner unreasonably demands too large an amount for such compensation.

Notice of application.

§ 8. The attorney or attorneys for the board of water supply shall give ten days' personal notice to all such owners, to be served personally, or where such notices cannot be personally served within the state, or such persons are infants or otherwise incapacitated from receiving personal notice, then by service in such manner as said court shall direct, of his intention to make application for the appointment of commissioners of appraisal, which notice shall specify the time and place of such application, shall briefly state the objects of the application and shall describe the real estate or interest therein sought to be taken or affected.

Appointment of commissioners.

§ 9. At the time and place mentioned in said notice, unless the court shall adjourn such application to a subsequent date, and in the event at the time to which the same may be adjourned, the court, upon due proof to its satisfaction of the truth of the allegations of the petition and of the unreasonable refusal of the owner to agree upon the amount of the compensation and of the sufficiency of such notice, shall make an order for the appointment of three disinterested citizens of the county of Westchester, as commissioners to determine the damage sustained by each of such persons by reason of the taking of the use of said real estate or such interest therein for the purposes of this act. Such commissioners shall take the oath required by the statute and file the same in the city clerk's office, together with the map of the property concerning which they were appointed, and thereupon title to such property shall vest in the city of Mount Vernon, and shall personally examine each parcel of land or other property so proposed to be taken or used, and shall estimate and report to said court at any term thereof held within said district, the several sums which will be a just compensation to such owners or persons interested respectively for the appropriation for the purposes of this act of any property, rights or privileges, real estate or interest therein that may be so required, or for the title or use of any such property; and such commissioners may examine witnesses upon hearings before them, and all evidence so taken shall accompany their report. On the

Action by commissioners.

Title when to vest in city.

Report.

presentation of such report the court may confirm, alter or amend the same, or send the same back to the same commissioners, who shall proceed in like manner; and so on until the report of such commissioners shall be finally confirmed by said court. The said commissioners shall receive for their compensation as such commissioners such sum as the court in its order of confirmation may allow to them, together with the amount which such commissioners shall certify as correct in their said report, for incidental expenses, connected with their work, including the preparation of their report. Every such report of such commissioners shall be filed not more than one year after the date of the filing of the oaths of the commissioners; provided, however, that the supreme court, upon application and good reasons assigned therefor, may extend the time for the filing of such report beyond the one year for a period not exceeding six months. Notice of the application for the confirmation of the said report of such commissioners of appraisal shall be given in such manner and to such persons as the court may direct. Whenever any such report of said commissioners shall have been so confirmed as aforesaid, the attorney for the board of water supply shall file a certified copy of said report and of the order of confirmation thereof with the city clerk of the city of Mount Vernon and said city clerk shall transmit the same to the common council. Upon receipt of any such certified copy of any such report and order of confirmation the said common council shall deposit as the court may direct, or pay to said owner or person interested, or to such person or persons as the court may direct, the sum or sums ordered to be paid or at which it shall have been so confirmed, in full compensation for the property, real estate, or interest therein so required and taken; and thereupon the said city of Mount Vernon shall become seized of the property, rights or privileges so acquired whether in fee or otherwise, and the said board of water supply, common council and the said city of Mount Vernon shall be discharged from all claim by reason of any appropriation or use thereof for the purposes of this act.

Compensation.

Time of filing report.

Action upon confirmation of report.

Amendment of defects in proceedings; appointment of other commissioners in case of vacancy.

§ 10. The supreme court shall have power at any time to amend any defect or informality in any of the said proceedings authorized by this act as may be necessary or to cause other property to be included therein and to direct that full notice be given to any party in interest as it deems proper, and also to appoint other commissioners in place of any who shall die or refuse or neglect to

serve or be incapable of serving or be removed. If in any particular it shall at any time be found necessary to amend any pleading or proceeding or to supply any defect therein arising in the course of any said proceeding authorized by this act, the same may be amended or supplied in such manner as may be directed by the supreme court, which is hereby authorized to make such amendments or correction.

Action where agreement for compensation is made.

§ 11. The board of water supply, subject to the approval of the common council, may agree with the owners and persons interested in any real estate required for the purposes of this act for the taking or using of such real estate and the compensation so agreed upon to be given to any such owner for any such real estate or interest therein shall be paid by the common council to such person; upon the making of which payment the title to such real estate or interest therein so agreed to be compensated for shall vest and be in the city of Mount Vernon, and the attorney for said board shall prepare such deed or deeds of conveyance to be executed by the owner or owners in favor of the said city of Mount Vernon, as may be necessary to secure the title to said property.

Bond issue authorized.

§ 12. The common council of the city of Mount Vernon shall have the power, and it shall be its duty to borrow from time to time upon the credit of the city of Mount Vernon such sum or sums as may be necessary to carry out any of the powers conferred either upon the board of water supply or the common council by any of the provisions of this act, upon such term of credit not exceeding twenty years and at such rate of interest not exceeding six per centum per annum as shall seem to the said common council for the best interests of said city, and to secure the said loan or loans the common council is authorized to make, execute and deliver the bonds or obligations of said city of Mount Vernon in such form as the said common council shall determine, which bonds when duly issued hereunder shall be a valid liability against the said city and the credit of said city is hereby pledged to the payment of the same, and the said moneys so borrowed shall be appropriated by the said common council to the supplying of said city with water agreeably to the provisions of this act. On the issuing of such bonds the common council shall create a sinking fund for their redemption, by raising annually, either from the net profits of the conduct of the water supply department, or by raising annually a sum in the annual tax levy, or by both methods and from both sources, so that the aggregate will produce an amount equal to the principal and interest of said bonds at their

Sinking fund.

maturity. The sinking fund so created shall be administered by the sinking fund commission of the city of Mount Vernon.

Contracts for construction of work.

§ 13. The board of water supply shall have power to make all necessary contracts for labor and materials and the construction of the work necessary to supply the city of Mount Vernon with water when said work shall have been determined upon as herein provided. There shall be three originals executed by the parties, which shall be numbered with the same number, one of which shall be given to the contractor, one filed with the city clerk of the city of Mount Vernon and one retained by the board of water supply. No contract shall be entered into until at least three weeks' public notice shall have been given in one or more newspapers published in said city of Mount Vernon as the board of water supply shall direct, of the times and places at which sealed proposals will be received for entering into contracts, and the board of water supply shall have full discretion as to the acceptance or rejection of all sealed proposals, and in case any materials or labor shall then remain uncontracted for a like notice for sealed proposals and like proceeding may be had as above provided and so from time to time as such board of water supply may desire to contract for work and materials; and every person who shall enter into any such contract for the supplying of materials or the performance of any work shall give satisfactory security to said board of water supply for the faithful performance of the contract according to its terms. Whenever any moneys shall be due to any such contractor the said board of water supply shall certify to the common council the amount so due, together with a statement of the purposes for which the amount is due, and the said common council shall cause the same to be paid.

Proposals for work.

Contractor's security.

Payments to contractors.

Acquisition of interests of New York Inter-Urban Water Company.

§ 14. It shall be lawful for the said common council and the board of water supply to acquire all of the rights, franchises and privileges, together with the real estate and interests therein and all sources of water supply which may be now owned or hereafter acquired by the New York Inter-Urban Water Company or its successor or successors for such sum as may be agreed upon by said boards and the said water company.

Same, in case of failure to agree.

§ 15. In the event of the failure of the said common council, board of water supply and the said water company to agree as hereinbefore provided, upon the terms of any agreement by which the said city shall acquire the rights specified in the last preceding section, it shall be lawful for the said board of water supply to proceed in the name of the city to acquire any and all such rights

by like proceedings as are herein provided for the acquisition of the title to real estate or any interest therein by proceedings for the appointment of commissioners of appraisal and so on.

Water rents.

§ 16. The said board of water supply shall establish a schedule of rates to be charged and paid to the board from time to time either in advance or at such time and times as the said board shall prescribe for the supplying of water to be called "water rents," and apportion to different classes of buildings in said city in reference to their dimensions, values, exposure to fire, ordinary or extraordinary uses for stores, shops, hotels, factories, livery stables, barns and all other buildings, establishments and trades, yards, number of families or occupants, or the consumption of water, as near as may be practicable, and, from time to time, either modify, amend, increase or diminish such rates, and said board of water supply and its respective employees shall be authorized at all times to enter into any building or place where water is used from supply pipes to examine as to the use of water, quantity of water used and the manner of using, and may, in its discretion, install water meters under such conditions and restrictions as it may determine.

Examination of premises as to use of water; meters.

Regulations for connecting pipes.

§ 17. The connecting or supply pipes leading from buildings or yards to the distribution pipes shall be inserted and kept in repair at the expense of the owner or occupants of the building or yard, and shall not be inserted or connected with the main pipe until the permit therefor shall be obtained from said board of water supply or other persons having charge thereof, and all said connecting or supply pipes shall be constructed in the manner directed by the said board of water supply or persons in charge.

Application of water rents.

§ 18. The entire annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray the expense of the repair of said water works and of the extending of the same and other necessary expenses for the maintenance and conduct of said department of water supply shall be applied toward the payment of interest on the loans and also toward the creation of a sinking fund for the payment of the principal of the loans as shall from time to time become due and payable, which sinking fund shall be managed by the sinking fund commission of the city of Mount Vernon.

Tax in case of deficiency.

§ 19. In case the entire annual receipts for water rents, after deducting as in the section next preceding provided, shall in any year or in any respective years be found not to be sufficient to pay the interest for that respective year on said loans or any part thereof, it shall be the duty of the common council of said city,

and it is hereby directed to cause such deficiency to be assessed, levied and collected from the taxable property of said city at the same time and in the same manner as other contingent expenses of said city are assessed, levied and collected and with such other contingent expenses, and the same shall be applied to the payment of such interest.

Cost of conducting work of board before water furnished, how paid.

§ 20. Until such time as a supply of water shall be furnished to the inhabitants of the city of Mount Vernon under the provisions of this act, the cost of conducting the work of said board of water supply under the provisions hereof shall be certified to the common council by the said board of water supply monthly, and such expenses shall be paid by direction of the common council and the amount thereof in any year or in any respective year shall be assessed, levied and collected from the taxable property of said city at the same time and in the same manner as other contingent expenses of the said city are assessed, levied and collected, and with such other contingent expenses; and the same shall be applied to the payment of such expenses of said board of water supply; such board of water supply shall comply with subdivision three of section one hundred and thirty-four of the charter[1] of the city of Mount Vernon in relation to the annual budget.

Reports of board.

§ 21. Such board of water supply shall annually on the first day of January in each year and at all such other times as required by the common council deliver to said common council a detailed statement of all their accounts, a general statement of all their work and condition of their affairs and state of finances including a full detail of the amount expended in the progress of the work and a particular statement of any deficiency as to water rents, as to meeting the interest upon the principal sums borrowed, as in the previous sections hereinabove referred to; and all books and papers of every kind and description kept by such board of water supply upon which are entries of its transactions as such shall at all times be subject to inspection by the said common council and by any elector of said city. It shall be the duty of the common council, at least once in each half year, to employ a certified public accountant of this state to audit the accounts of the treasurer of said board of water supply. The reports of such audits shall be made in writing to the common council and shall be open to the public. All moneys due or to become due from

Examination of books.

Audit of accounts.

Duties of treasurer.

[1] L. 1892, ch. 182.

the inhabitants of the city of Mount Vernon to the said board of water supply shall be payable to the treasurer of said board, whose duty it shall be to deposit daily all said moneys received by him in the city depositories in such proportion as the common council may direct, and to draw against such funds only by warrants authorized by resolution of the board of water supply, such warrants to be countersigned by the president of the said board of water supply. Whenever on the first day of January in any year the receipts of said treasurer for the preceding year shall exceed the expenditures authorized, it shall be the duty of the said treasurer to pay the amount of such excess to the sinking fund commission of the city of Mount Vernon, to be by it applied to the payment of the principal and interest of any and all bonds issued under the provisions of this act.

Judgments against board and its members.

§ 22. All judgments against the said board of water supply in its name of office and judgments against the members thereof where the transactions upon which the action was brought shall have been in the performance of their duties as members of said board shall be deemed judgments against the said city of Mount Vernon and shall be paid and enforced in like manner, and shall not be enforced against the individual property of either of the members of the said board of water supply.

By-laws, rules and regulations.

§ 23. The said board of water supply shall have power from time to time to make and establish such by-laws, rules and regulations as it shall deem proper for the election of its officers, and as to the duties of these officers and employees (not inconsistent with the provisions of this act) and as to the means of enforcing such duties and for the regulation of times and manner of holding meetings of the board and for the enforcing of the collection of water rents and manner of the using of water and generally for transacting, managing and directing the affairs of the board of water supply, and may provide regulations as to water used, water and water rents, and enforce the observance thereof by cutting off the use and supply of water; provided that said by-laws, rules and regulations are not repugnant to this act or the constitution of this state or of the United States.

Approval by state water supply commission.

§ 24. The city of Mount Vernon shall have no power to acquire, take or condemn lands, property, rights or easements under this act unless maps and plans covering the work contemplated by this act shall have been submitted to and approved by the state water supply commission. All amendments or modifications of said maps and plans thereafter made shall be in like manner sub-

mitted to and approved by the said board and when so approved shall have the same force and effect as the original plans filed with said board.

Referendum vote to approve plans for water supply.

§ 25. When a plan or plans for the obtaining by the city of Mount Vernon of a supply of pure and wholesome water shall have been determined upon by the common council and approved by the state water supply commission as hereinbefore provided, it shall be submitted to the electors of said city at a special election held within said city, at such time and after such notice as the common council may direct. It shall not be lawful for the said city of Mount Vernon to execute any such plan or any part thereof, nor shall any such plan or part thereof be or become operative, unless a majority of the electors of said city voting at such a special election shall have voted in favor of approving such plan. The result of such special election shall be canvassed by the common council of said city and its certificate thereon shall be filed with the city clerk of said city and with the state water supply commission.

Offices, etc., for board.

§ 26. The common council is hereby required to provide suitable offices and conveniences for the transaction of the business of the board of water supply hereby created and provide proper and needful furniture and safes for the safekeeping of its documents, and is hereby authorized to incur other necessary expenses suitable and proper to enable the board of water supply to carry out the provisions of this act and which may not be otherwise herein provided for.

L. 1896, ch. 774 repealed.

§ 27. Chapter seven hundred and seventy-four of the laws of eighteen hundred and ninety-six,[2] and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Water supply of city of New York may not be acquired.

§ 28. Nothing in this act contained shall authorize the acquirement of any waters, water rights or lands now used for or forming any part of the water supply of the city of New York.

§ 29. This act shall take effect immediately.

[2] Entitled "An act in relation to supplying the city of Mount Vernon with pure and wholesome water."

Chap. 128.

AN ACT to amend the public health law, in relation to the establishment of a state institute for the study of malignant disease at Buffalo, providing for its management and control, and making an appropriation therefor.

Became a law May 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," is hereby amended by adding thereto, after article seventeen thereof, a new article eighteen, in place of the present article eighteen hereinafter renumbered nineteen, to read as follows: New art. 18 added to L. 1909 ch. 49.

ARTICLE 18.

STATE INSTITUTE FOR THE STUDY OF MALIGNANT DISEASE.

Section 344. Establishment of institute.
345. Management and control; board of trustees.
346. Objects and purposes of the institute.
347. Director of the institute.

§ 344. **Establishment of institute.** There shall be established in the city of Buffalo an institute, to be known as the state institute for the study of malignant disease, for the objects and purposes hereinafter set forth.

§ 345. **Management and control; board of trustees.** The general management and control of said institute shall be vested in a board of trustees consisting of seven members, one of whom shall be the state commissioner of health, ex officio. The remaining members shall, as often as the positions of the several original members constituted by the act of which this article is a part, become vacant, be appointed by and may be removed at the pleasure of the governor. Said trustees shall serve without compensation, and said board shall meet quarterly and shall hold an annual meeting in November to receive the annual report of the director and to prepare for transmission to the legislature its report upon the work of the preceding year. The board shall audit the annual

expenses of the institute and appoint the director. The board of trustees shall, within the limits of the annual appropriation made therefor, fix all salaries of officers and employees of the institute and authorize all disbursements. The board may meet any time on the call of the chairman and shall be allowed necessary traveling expenses in attending the fixed meetings or any special meetings. At least two of the trustees shall be residents of Buffalo or vicinity and one of them shall be a member of the medical faculty or of the council of the university of Buffalo.

§ 346. **Objects and purposes of the institute.** The institute shall conduct investigations into the cause, nature, mortality rate, treatment, prevention and cure of cancer and allied diseases, and may receive in its hospital for study, experimental or other treatment, cases of cancer and allied diseases free of charge. It shall publish from time to time the results of its investigations for the benefit of humanity and shall from time to time collect its publications into the form of a scientific report for distribution to scientific bodies and to medical scientists and qualified members of the medical profession. The direction of research work in whole or in part toward malignant diseases other than cancer shall not be a violation of the conditions of the grants made under the provisions of which this article is a part.

§ 347. **Director of the institute.** A director of the institute shall be appointed by the board of trustees and shall serve until his successor shall have been duly appointed and qualified. He shall be a trained scientist and shall have sole executive direction of the work of the institute. He shall appoint all members of the staff, subject to the approval of the board of trustees, and he shall appoint and dismiss at will all other employees of the institute.

Appropriation for building.

§ 2. The sum of sixty-five thousand dollars ($65,000), or so much thereof as may be needed, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of constructing and equipping a suitable building for a state hospital for research purposes, as hereinafter particularly described, upon ground adjoining the Gratwick laboratory at Buffalo, New York; such hospital and the Gratwick laboratory building shall be used by and for the state institute for the study of malignant disease, established by article eighteen of the public health law, as added by this act, but the laboratory building shall continue to be known as the Gratwick laboratory.

Certain premises to

Before any part of such appropriation shall be or become avail-

able, the land on which the hospital building provided for in this act is to stand, consisting of the plot adjoining the Gratwick laboratory on the west, extending about one hundred and fifty feet to the corner of Oak street, with a depth of about one hundred and seventy-nine feet, shall be conveyed to the people of the state by the owners thereof, and the conveyance approved as to form and manner of execution by the attorney-general; and the land upon which the Gratwick laboratory stands, together with the building thereon, and all of its appointments and equipment (heretofore for the purpose of medical research provided for the use of the state by Mrs. William H. Gratwick of Buffalo, New York), shall be by like deed, similarly approved, conveyed to the people of the state. The deeds may contain a condition that the grant is made subject to the agreement on the part of the state that there shall be thereafter maintained thereon an institute for the study of malignant and allied diseases, according to the provisions of this act and that upon the determination by the legislature that such institute shall be no longer maintained at the expense of the state, all of such land with all buildings and improvements thereon and equipment therein shall revert to the university of Buffalo, its successors or assigns, but in that case such reversion to the university of Buffalo shall not include the hospital building except upon the payment by the university of Buffalo to the state of the then duly appraised value of the hospital building.

To be conveyed to state.

Conditions of conveyance.

§ 3. The original members, other than the state commissioner of health, of the board of trustees of the state institute for the study of malignant disease, as established by section three hundred and forty-four of the public health law, as added by this act, shall be the following persons: Roswell Park, M. D., Buffalo, who shall be chairman; William H. Gratwick, Buffalo; Charles Cary, M. D., Buffalo; John G. Milburn, New York; Frederick C. Stevens, Attica, New York; Charles S. Fairchild, New York.

Original trustees.

§ 4. The amount hereby appropriated shall be paid by the treasurer upon the warrant of the comptroller upon vouchers approved as hereinafter provided. The plans and specifications for the building herein provided for shall be prepared or approved by the state architect and he may, with the approval of the board of trustees of the institute, employ an architect or architects to prepare the plans and specifications and to locally supervise the work of construction herein provided. All plans and specifications shall be subject to the approval of the director

Appropriation, how paid.

Plans and specifications for building.

of said institute, appointed as provided by section three hundred and forty-seven of the public health law, as added by this act, and of its board of trustees. The work under this act shall be done by contract except work which in the opinion of the comptroller and the state architect can be done in whole or in part more advantageously by the employment of labor and the purchase of material in the open market. All expenditures under this act shall be made in pursuance of the estimates or pursuant to contracts the form of which shall be prescribed by the state architect. The estimates shall be made to the comptroller in the usual form by the board of trustees of said institute. Where the work estimated for is upon drawings and specifications of the state architect, the estimates shall be subject to his approval also. No item of such appropriation shall be available except for necessary advertising and the preparation of plans until a contract or contracts for the completion of the structure authorized to be erected within the appropriation shall be made. All contracts greater in amount than one thousand dollars shall have the performance thereof secured by a sufficient bond or bonds to be approved by and filed with the comptroller. In the case of any work which shall amount to less than one thousand dollars covered by contract, no surety bond shall be required, provided payment is to be made only after the work has been satisfactorily completed. All payments on contracts shall be made on the certificate of the state architect and the voucher of the board of trustees of said institute after audit of the state comptroller.

Contracts, estimates and payments.

§ 5. Present article eighteen of such chapter is hereby renumbered article nineteen thereof.

Art. 18 renumbered art. 19.

§ 6. This act shall take effect immediately.

Chap. 129.

AN ACT to legalize and validate the issuing of bonds of the village school district of the town of Malone, in the county of Franklin, for the purpose of borrowing money to erect an addition to the schoolhouse in said district known as the Academy Building, and to make alterations, repairs and improvements in and to said Academy Building, and to equip said Academy Building so enlarged, repaired and improved with a suitable heating and ventilating system.

Became a law May 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The special school meeting held in and for the village school district of the town of Malone, in the county of Franklin, on the twenty-first day of January, nineteen hundred and eleven, and the proposition submitted and adopted at such school meeting, authorizing and directing the board of education of said school district to erect an addition to the schoolhouse in said district known as the Academy Building, and to make alterations, repairs and improvements in and to said Academy Building and to equip the same as so enlarged, repaired and improved with a suitable heating and ventilating system, and that the said board of education borrow on the credit of said district the sum of fifty-five thousand five hundred dollars, by the issuance and sale of fifty-six district bonds, namely, fifty-five bonds of one thousand dollars each and one five-hundred dollar bond, all bearing interest at the rate of four and one-half per centum per annum, for the purpose of erecting such addition and making such alterations and equipment; and the acts of the said board of education in advertising said school meeting and in conducting the same and all proceedings had for the purpose of authorizing the issue of said bonds, are hereby ratified, confirmed and legalized, and made of the same force and effect as if the laws applicable thereto had been fully and strictly complied with; and the said bonds of said school district bearing interest at the rate of four and one-half per centum per annum to be issued by said board of education, are hereby declared to be valid and binding obligations of said school district; and the said board of education may sell said bonds to

Proceedings relative to bond issue legalized.

Bonds validated.

Sale authorized

the person, firm or corporation which has already submitted the highest bid for the purchase of said bonds, but the same shall not be sold for less than their par value and accrued interest.

Pending actions.

§ 2. This act shall not affect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 130.

AN ACT to enable the board of supervisors of the county of Albany to sell and convey to the city of Albany all of the right and title and interest of which the county of Albany is now seized and possessed in and to the real estate known as the city hall, in the city of Albany, for the purpose of acquiring funds to be used in the erection of a courthouse in and for the county of Albany.

Became a law May 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisors of the county of Albany are hereby authorized and empowered to sell and convey to the city of Albany, for the sum to be agreed upon, all of the right, title and interest in and to the real estate of which the said county of Albany is now seized and possessed of an undivided one-half interest, known as the city hall, in the city of Albany, the title of which is now vested jointly in the county of Albany and in the city of Albany, for the purpose of enabling the said county of Albany to secure funds to erect a suitable courthouse.

§ 2. Any and all acts providing for the government and control of the said city hall, in the city of Albany, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 131.

AN ACT to amend chapter six hundred and fifty of the laws of nineteen hundred and four, entitled "An act to revise the charter of the city of Rome," generally.

Became a law May 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-two of chapter six hundred and fifty of the laws of nineteen hundred and four, entitled "An act to revise the charter of the city of Rome," as amended by chapter five hundred and seventy-five of the laws of nineteen hundred and nine, is hereby further amended to read as follows:

L. 1904, ch. 650, § 92, as amended by L. 1909, ch. 575, amended.

§ 92. The said board, in addition to the powers conferred and duties imposed by this title, shall have and exercise all the rights, powers and privileges, and perform and fulfill all the duties now vested by law in said board. They shall also have and exercise the rights and powers and perform and fulfill all the duties connected with and incident to the care, management, construction and control of the sanitary sewer and water system of the city of Rome, including extensions and new lines thereof, and necessary repairs to each of said systems of water and sanitary sewers. Storm water sewers shall not be deemed and included in and as part of the sewer system of the city for any of the purposes of this act. The city of Rome by its board of water and sewer commissioners is hereby authorized and empowered to construct such new lines and extensions of the sanitary sewer system of said city, and build, erect, equip, operate and maintain a sewage disposal plant or plants, as shall be recommended by said board, and may acquire all necessary lands and rights of way therefor by purchase or condemnation, but [1]no sewage disposal plant or plants shall be built or erected, unless the same shall be approved by a majority of the taxpayers voting at a special election called for that purpose by the common council of said city, and conducted[2]

Sanitary sewer and water system, control of.

Storm water sewers not part of sewer system.

Extension of sanitary sewer system.

Erection and maintenance of sewage disposal plants.

Cost of extension and

[1] Words "not more than three thousand dollars shall be expended for such new lines or extensions in any year," omitted. Words "no sewage disposal plant or plants shall be built or erected," new.

[2] Words "and conducted" new.

repairs of sewers, how determined.

in the manner and as prescribed in section one hundred and seventy-five of this act, so far as the same is applicable thereto. Such new lines and extensions of said sewer system shall be made only under the order and direction of the common council of said city, accompanied by a plan and estimate thereof by the city engineer and approved by said board. The cost and expenses of constructing and laying any and all new lines and extensions of said sewers and of the repairs to and maintenance of[3] the said sewer system of said city, shall be determined in each year by and upon the estimates and requisition of said board. The common council

Tax.

of said city shall provide for such costs and expenses and for the cost and expense of any sewage disposal plant or plants[4] by general tax, and the same shall be assessed, levied and raised in the same manner and in addition to and in connection with the general tax

Or bond issue therefor.

of said city; or said common council may at its option borrow said moneys and cause revenue bonds of said city to be issued therefor by and in the name of said city for a term not exceeding five years, with interest at the rate of not more than five per centum[5] per annum, signed by the mayor and city clerk, payable in equal annual installments, which installments shall be levied and collected by tax in the same manner as and in addition to the general tax of the city; [6]or said common council may at its option issue bonds of said city for said amount, or any part thereof, which shall be issued by and in the name of the city, payable in not to exceed twenty years from date of issue, with interest at the rate of not to exceed five per centum per annum and signed by the mayor and city clerk.

§ 147, as amended by L. 1905, ch. 468 and L. 1906, ch. 651, amended.

§ 2. Section one hundred and forty-seven of said act, as amended by chapter four hundred and sixty-eight of the laws of nineteen hundred and five and chapter six hundred and fifty-one of the laws of nineteen hundred and six is hereby further amended to read as follows:

Tax rate.

§ 147. The taxes raised in any year for the aforesaid city expenses (excluding the amount to be raised for state and county purposes, for school purposes,[7] for town audit and expenses, and also the amount raised to pay the principal and interest on bonded

[3] Words "and maintenance of" new.
[4] Words "and for the cost and expense of any sewage disposal plant or plants," new.
[5] Formerly 4%.
[6] Remainder of section new.
[7] Words "for school purposes" new.

indebtedness) shall not exceed one dollar and twenty[s] cents upon every one hundred dollars of the assessed valuation of taxable property in said city.

§ 3. This act shall take effect immediately.

Chap. 132.

AN ACT to provide for certain improvements in the channel and banks of the Mohawk river and West Canada creek, made necessary by the building of the barge canal, and making an appropriation therefor.

Became a law May 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

New channel for West Canada creek to be built.

Section 1. The superintendent of public works is hereby authorized and directed to build a new channel for the West Canada creek, from some point thereon, to be determined by the state engineer and surveyor, to the Mohawk river, at a point in such river, to be determined by said state engineer and surveyor, easterly and northerly from the barge canal embankment, and to do any dredging that appears to the said superintendent to be necessary in the West Canada creek, and in such river; such new channel to be built and such dredging to be done in such manner that the waters of said creek may thereby discharge as freely into said river, and said river possess the same capacity for carrying away the waters of said creek, as the same were discharged and carried away before such canal embankment was constructed.

Direction of improvement.

§ 2. Said improvement shall be made under the direction of the superintendent of public works upon plans to be furnished by the state engineer and surveyor, but no portion of such appropriation shall be available, except for necessary plans, specifications and advertising, until a contract for the completion of the work herein authorized, within the appropriation herein provided for, shall have been duly entered into by the superintendent of public works with a responsible bidder, and such contract filed with the comptroller.

Contract for work.

[s] Formerly "seventy."

Appropriation of lands, etc.

Said superintendent may enter upon, take and appropriate any and all lands, real estate and property necessary for the work directed to be completed by this act, upon compensation to the owners thereof or for injuries thereto, in the same manner that lands are authorized by law[1] to be acquired, or damages fixed, for canal purposes.

Appropriation.

§ 3. The sum of seventy-five thousand dollars ($75,000), or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for carrying out the purposes expressed in the foregoing provisions of this act, payable by the state treasurer on the warrant of the comptroller, upon vouchers audited by the superintendent of public works, but none of the moneys hereby appropriated shall be available until the village of Herkimer shall release the state of New York of and from all claims for damage which may have occurred to said village of Herkimer, on account of overflow of water from the West Canada creek, or which may hereafter result or be alleged to result to said village of Herkimer on account of such overflow of water from said West Canada creek.

Herkimer to release claims for damage.

§ 4. This act shall take effect immediately.

Chap. 133.

AN ACT making an appropriation for highway improvement in expediting the building of certain state routes.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

Section 1. The sum of one million and five hundred thousand dollars ($1,500,000), to become available immediately, is hereby appropriated, payable out of moneys realized from bonds issued in accordance with the provisions of chapter four hundred and sixty-nine of the laws of nineteen hundred and six, as amended by chapter seven hundred and eighteen of the laws of nineteen hundred and seven. The money hereby appropriated shall be expended according to the provisions of article six of the high-

Parts of routes 25 and 22 to be improved.

[1] See L. 1903, ch. 147, § 4, as amended by L. 1906, ch. 365, L. 1908, ch. 196, and L. 1909, ch. 273.

way law for the construction and improvement of that part of state route number twenty-five from Long Lake to Riparius, as defined by section one hundred and twenty of said highway law, and also that part of route number twenty-five from Lake George to Chestertown, and on route number twenty-two from Whitehall to Cambridge; also on that portion of route twenty-two in Essex county north of Schroon Lake, defined by said section of the highway law, not already constructed or for which moneys are not already provided; also on that portion of route twenty-two, as defined by said section of the highway law, and herein defined, in Clinton county beginning at or near Ausable Chasm and running thence northeasterly through Clinton or Essex county or partly through each of said counties to the Lake Shore road in Clinton county, thence northerly along said Lake Shore road to Plattsburgh; thence northerly on the Lake Shore road or state road to Chazy and the Canada line at Rouses Point. In case the state road or roads in this bill provided for exceed in mileage in or for any county herein mentioned the equitable portion to which said county is or may be legally entitled, then only so much mileage in said county shall be improved or constructed as shall be the fair and equitable portion of said route to which said county is entitled and in such case the portion or portions of the route or routes in such county which shall be improved or constructed shall be such portion or portions as in the judgment of the highway commission are in most need of improvement or construction; and in case the appropriation hereby made shall be insufficient to complete said state route or routes as contemplated and herein defined, then the highway commission shall expend the same in constructing and improving such portions of said route or routes as in its judgment are in most need of construction and improvement, except that each county shall receive and have expended therein its equitable and fair portion of said appropriation in proportion to the mileage of state road or roads to which each said county is or may be entitled on the route or routes as herein defined and provided. No county in which roads are improved under this chapter shall participate in the future annual appropriation of funds for the improvement of state roads until such time as the counties not participating in the funds provided by this chapter shall have received such amount of improvement as will equalize the mileage.

Equitable portion of mileage for counties to be maintained.

§ 2. This act shall take effect immediately.

Chap. 134.

AN ACT making an appropriation for highway improvement, in expediting the building of parts of state routes twenty-two and twenty-five.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of five hundred thousand dollars ($500,000), to become available immediately, is hereby appropriated, payable out of moneys realized from bonds issued in accordance with the provisions of chapter four hundred and sixty-nine of the laws of nineteen hundred and six, as amended by chapter seven hundred and eighteen of the laws of nineteen hundred and seven. The money hereby appropriated shall be expended according to the provisions of article six of the highway law for the construction and improvement of that part of state route number twenty-five as defined by section one hundred and twenty of said highway law from its commencement on route number twenty-eight extending in Oneida county to the Herkimer county line, but in case the appropriation hereby made shall be insufficient to complete said system of stone road as contemplated, then the highway commission shall expend the same in constructing and improving such portions of said road as in its judgment are in the most need of construction and improvement. No county in which roads are improved under this chapter shall participate in the future annual appropriation of funds for the improvement of state roads until such time as the counties not participating in the funds provided by this chapter shall have received such amount of improvement as will equalize the mileage.

§ 2. This act shall take effect immediately.

Chap. 135.

AN ACT making an appropriation for highway improvement for the purpose of completing a stone road from Albany to Binghamton.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of six hundred and twenty-five thousand dollars ($625,000), to become available immediately, is hereby appropriated, payable out of moneys realized from bonds issued in accordance with the provisions of chapter four hundred and sixty-nine of the laws of nineteen hundred and six, as amended by chapter seven hundred and eighteen of the laws of nineteen hundred and seven. The money hereby appropriated shall be expended according to the provisions of article six of the highway law for the construction and improvement of uncompleted portions of state route number seven, as defined by section one hundred and twenty of the highway law, so as to complete a stone road from the city of Albany to the city of Binghamton. The balance, if any, of the money hereby appropriated, after the completion of route number seven as above provided shall be expended according to the provisions of article six of the highway law for the construction and improvement of route number thirty-eight. No county in which roads are improved under this chapter shall participate in the future annual appropriation of funds for the improvement of state roads until such time as the counties not participating in the funds provided by this chapter shall have received such amount of improvement as will equalize the mileage.

§ 2. This act shall take effect immediately.

Chap. 136.

AN ACT making an appropriation for highway improvement in expediting the building of certain portions of route number four, of the state highway system.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one million, two hundred thousand dollars ($1,200,000), to become available immediately, is hereby appropriated, payable out of moneys realized from bonds issued in accordance with the provisions of chapter four hundred and sixty-nine of the laws of nineteen hundred and six, as amended by chapter seven hundred and eighteen of the laws of nineteen hundred and seven; the money hereby appropriated to be expended, in the manner provided by article six of the highway law, for the construction and improvement of the unimproved portion of state route number four, as defined by chapter thirty of the laws of nineteen hundred and nine as follows: Commencing at a point to be determined by the commission on route number three, running thence through Orange county by the way of Middletown to a point to be determined by the commission, on the dividing line between Sullivan and Orange counties, running thence westerly and northerly through Sullivan county by the way of Monticello to a point to be determined by the commission, on the dividing line between Delaware and Sullivan counties, thence to Deposit, on the dividing line between Broome and Delaware counties, running thence westerly by the way of Windsor to the city of Binghamton; thereby completing a continuous improved highway from the city of Binghamton to the said point on route number three in Orange county to be so determined by the highway commission; but in case the appropriation hereby made shall be insufficient to complete said system of stone road as contemplated, then the highway commission shall expend the same in constructing and improving such portions of said road as in its judgment are in most need of construction and improvement. No county in which roads are improved under this chapter shall participate in the future annual appropriation of funds for the improvement of state roads until such time as the counties not par-

ticipating in the funds provided by this chapter shall have received such amount of improvement as will equalize the mileage.

§ 2. This act shall take effect immediately.

Chap. 137.

AN ACT to authorize the county of Franklin to construct and maintain a county road system in said county, and to authorize the board of supervisors thereof to issue the bonds of said county in the aggregate amount of five hundred thousand dollars for such county road system.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. **Adoption of county road system.** The resolutions of the board of supervisors of Franklin county passed at a regular meeting thereof on the twenty-first day of December, nineteen hundred and ten, adopting a county road system in said county and appropriating the sum of five hundred thousand dollars, or so much thereof as may be necessary, for the construction, repair and maintenance thereof; and the designations of the portions of the public highways in said county described in said resolutions and upon a map filed in the Franklin county clerk's office on the thirteenth day of January, nineteen hundred and eleven, as such county road system, is hereby ratified, confirmed and legalized.

§ 2. **Construction and maintenance.** The said county road system shall be exclusively under the jurisdiction of the board of supervisors of said county, and exempt from the jurisdiction of the highway officers of the several towns and villages in said county, except as herein provided. The expense of constructing, maintaining and improving said county road system shall be a county charge, and when so constructed, maintained and improved the state shall pay annually toward the expense of maintaining such county road system fifty per centum of the amount appropriated by such county for the maintenance thereof during the preceding year. The sum of three thousand dollars per mile, or so much thereof as may be necessary, for the construction, mainte-

nance and improvement of said county road system, in accordance with standard plans and specifications as provided by the commission hereinafter designated, shall be set apart and restricted to the actual mileage provided for in each town of said county through or into which said county road system extends, and shall not be used for the construction of such road within another town until the road of the first town has been completed. The balance of the amount remaining after deducting from said sum of five hundred thousand dollars so appropriated, three thousand dollars per mile for said actual mileage of each town, shall be a contingent fund, and be at the disposal of said commission for contingent purposes.

§ 3. **County road commission.** A commission to consist of five members shall be created to represent the board of supervisors of said county in the management of the construction, repair and maintenance of said county road system which shall be known and designated the Franklin county road commission, three members of which shall be members of the board of supervisors designated by said board, and shall continue in office as members of said commission, only during their term of office as supervisors, the fourth shall be the county superintendent of highways, and the fifth shall be chosen by the four members above designated. Any vacancy occurring by resignation, death, termination of office of supervisor, or otherwise, in the membership of said commission shall be filled in the same manner as originally provided. Said commission shall organize as a board by choosing one of its members as a president, and one as secretary thereof. The board thus organized shall meet regularly every two weeks at least for the purpose of approving pay-rolls, bills and accounts for services performed and materials furnished, and all other matters, relative to said county road system. All matters coming before said board shall be acted on by motion or resolution, and the result evidenced by the certificate of the secretary thereof. All bills so approved by said commission, shall be audited by a person to be appointed by the board of supervisors, and when so approved and audited, shall be paid by the county treasurer of said county out of the funds in his hands received from the sale of county bonds, hereinafter provided for, or from moneys received from taxes levied and collected for the maintenance of said county road system. It shall be the duty of said commission to file with the state commission of highways at Albany, before the fifteenth of each month, a report of its expenditures, during the preceding

month, in such form as may be prescribed by the said state commission and the books of said commission shall be subject to audit by the said state commission in the same manner that supervisors accounts are audited by it. Said county road commission shall adopt a standard plan and standard specifications for the construction of gravel and macadam roads within said system, and all roads therein shall be constructed in accordance with such plans and specifications and it shall have the sole management of the construction, maintenance and improvement of said county road system during the recess of the board of supervisors of said county. It shall adopt a system of bookkeeping that will show the cost of construction of each section of said system and shall make an annual report to said board of supervisors of the total disbursements, mileage of road construction, and of such other facts and information as may be required by said board.

Each member of said commission, except the county superintendent, shall be paid the sum of four dollars per day and necessary traveling expenses for each day while engaged in the work of said county road system.

§ 4. **Town superintendents of highways.** The town superintendents of highways of the several towns through which said county road system extends shall perform the same duties in respect to highways as provided by statute for state and county highways.

§ 5. **Issue and sale of county bonds.** The board of supervisors of said county in accordance with the provisions of the county law and general municipal law as hereinafter changed and modified, is hereby authorized to borrow such sum or sums as may be necessary, not exceeding in the aggregate five hundred thousand dollars for the purpose of paying the expense of constructing, maintaining and improving said county road system and the expenses lawfully incurred under this act, and to issue bonds as security for the payment of said sum in the name and under the seal of said county, which bonds shall be in denominations of one thousand dollars each, numbered from one to five hundred inclusive and shall be divided into five series, to wit: Series A, B, C, D and E respectively. Such bonds shall be dated on the first day of March of the year of issue, and be payable in installments of ten bonds each as consecutively numbered, on the first day of March in the year nineteen hundred and twenty-one, and ten bonds on the first day of March in each year thereafter until all of said bonds are fully paid, interest thereon to be paid semi-annually on the

first day of March and the first day of September in each year at a rate not to exceed five per centum per annum, and shall be signed by the chairman and clerk of the board of supervisors and attested by the county clerk under the corporate seal of said county. They shall be made payable at such bank as may be designated by the said county road commission and shall be sold by said commission at a price not less than par as money shall be required for the purposes of this act, the amount to be sold to be designated by resolution adopted by said commission. The acceptance of any proposal to purchase said bonds shall be entered upon the minutes of said commission and certified by the secretary thereof to the county treasurer, who shall cause the bonds so sold to be executed and delivered to the purchaser or purchasers thereof, upon the receipt of the money offered therefor. The county treasurer shall immediately deposit the money so received to the credit of a separate fund to be designated as the Franklin county road fund.

§ 6. **Tax for payment of bonds and interest.** The said road commission shall include in its annual report to the board of supervisors a statement of the amount of the principal and interest of said bonds due, or to become due during the following year, and the said board of supervisors shall cause the same to be raised by tax upon all the taxable property of said county.

§ 7. This act shall take effect immediately.

Chap. 138.

AN ACT to amend chapter seven hundred and eighty-five of the laws of eighteen hundred and ninety-five, entitled "An act to revise, amend and consolidate the several acts relating to the village of Bath, in the county of Steuben, and to repeal certain acts and parts of acts," in relation to providing for a firemen's fund with moneys raised by taxation in such village.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1895, ch. 785, tit. 9, § 5, as amended by

Section 1. Section five of title nine of chapter seven hundred and eighty-five of the laws of eighteen hundred and ninety-five,

entitled "An act to revise, amend and consolidate the several acts relating to the village of Bath, in the county of Steuben, and to repeal certain acts and parts of acts," as amended by chapter one hundred and twenty-one of the laws of nineteen hundred and five, is hereby amended to read as follows: L. 1905, ch. 121, amended.

§ 5. The board of trustees shall direct and cause a sum not exceeding six thousand, seven hundred and fifty dollars,[1] for defraying all of the contingent and other expenses of the village, not herein otherwise specially provided for, to be raised annually by a general tax; three thousand dollars of which shall be called the highway fund, and shall be annually expended upon the streets, alleys, lanes, highways, sidewalks, crosswalks, wells, drains, sewers, reservoirs, parks and public grounds of said village; [2]and seven hundred and fifty dollars of which shall be called the firemen's fund and be annually expended for the maintenance of the fire companies in said village in addition to rents, which shall continue to be payable from general funds. The tax so directed to be raised shall be assessed upon all of the taxable real and personal property in the village, according to the valuation of the same in the assessment-rolls of the current year, filed by the village assessors, after said roll shall be corrected as hereinbefore provided. The said assessments shall be made by the board of trustees, at a meeting thereof, on or before the first day of June in each year; and the trustees shall cause the village assessment-roll to be made out, and file a copy thereof in the office of the clerk of the village. Tax for contingent expenses; highway and firemen's funds.

§ 2. This act shall take effect immediately.

Chap. 139.

AN ACT to amend the town law, in relation to the establishment and maintenance of sidewalks outside of incorporated cities and villages.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and fifty-three of chapter sixty-three of the laws of nineteen hundred and nine, entitled "An L. 1909, ch. 62, § 253, as added

[1] Formerly $6000.
[2] Remainder of sentence new.

by L. 1910, ch. 182, amended.

act relating to towns, constituting chapter sixty-two of the consolidated laws," as added by chapter one hundred and eighty-three of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 253. **Improvements; how paid for.** After a town board has ascertained the expense of the improvements provided for herein, it may borrow upon the credit of the town wherein said district is located a sum equal to the total thereof, for a period not exceeding eight months from the date thereof, at a rate of interest not exceeding six per centum and use the same to pay the expense thereof, which certificate with interest is to be paid out of the moneys derived as herein provided. After the town board has ascertained the expense of grading and building the sidewalks and laying the curbs and gutters upon any street or portion thereof as contemplated herein, it shall apportion and assess three-fourths of the expense thereof upon the property fronting upon the street or portion thereof improved as aforesaid. Notice of such assessment shall be given to the owners of said real property in the same manner as the notice above mentioned is given, which notice shall state, among other things, that said expenditures have been made, the purpose and the amount thereof, and that at a specified time and place the town board will meet for the purpose of making said assessments. The town board shall meet at the time and place specified in said notice and shall determine all objections made to such assessment, including the amount thereof, and shall assess upon the land benefited and fronting upon said street or portion thereof, the amount it may deem just and reasonable, not exceeding in case of default the amount stated in the notice. After the expiration of thirty days from the time said assessment is finally made and assessed, the town board shall direct or issue a sale of bonds, pledging the credit of the town wherein said district is located for the aggregate amount of the assessments remaining unpaid, which bonds shall mature within a period of five years and bear interest at a rate not exceeding six per centum and shall be a town charge. The town board shall thereafter annually apportion the amount to be raised for the payment of such bonds on the lots or parcels in default, so that the tax thereon will be the same as if an equal portion of the general assessment was then paid. Interest on the unpaid assessment shall be added to such tax at the rate payable on the bond or certificate of indebtedness, which amounts shall be computed to the time when the principal or an instalment will become due, or if no principal

will become due during the ensuing year, then the interest accrued during that year upon the assessment or bonds must be levied upon such lot or parcels. The town board shall annually report to the board of supervisors at its annual meeting, and submit a statement showing the amount due or to become due with principal and interest the ensuing year on bonds issued under this act, and the lots or parcels liable to pay the same and the amount chargeable to each. The board of supervisors shall levy such amounts against the property liable and shall state the amount of the tax in a separate column, in the annual tax roll under the name "sidewalk tax;" such tax when collected shall be paid to the supervisor and be by him applied in payment of the bonds. The amount apportioned by the said town board on any lot or parcel and any tax levied for collection thereof shall be a lien prior and superior to any lien or claim except the lien of an existing tax or local assessment. The remaining one-fourth of said expense shall be levied and assessed upon the taxable property within said sidewalk district, the same as town charges are levied and assessed upon the taxable property within the town wherein said district is located. An aggregate amount, however, to be levied and assessed upon a sidewalk district during any one year, shall not be in excess of one per centum[1] of the assessed valuation of the taxable property within said district as appears upon the last preceding assessment roll.

§ 2. This act shall take effect immediately.

Chap. 140.

AN ACT to legalize and confirm the official acts of notaries public and commissioners of deeds.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The official acts of every person as notary public or commissioner of deeds within the state of New York, heretofore commissioned as such, which acts have been performed since the

Acts since Apr. 20, 1910, notwithstanding certain

[1] Formerly read: "in excess of one-tenth of one per centum."

Irregularities, legalized.

twentieth day of April, nineteen hundred and ten,[1] so far as such acts might be affected, impaired or questioned by reason of change of residence made after appointment, or by reason of misnomer or misspelling of name or other errors made in the appointment or commission of said notary public or commissioner of deeds, or by reason of omission or failure to take the prescribed oath of office within the time required by law,[2] or by reason of such persons being under the age of twenty-one years, or by reason of the expiration of the term of office of such notaries public or commissioners of deeds, where such notary public or commissioner of deeds has acted in good faith, upon payment being made by such notary public or commissioner of deeds of the legal fees for holding such office, are hereby legalized and confirmed and made effectual and valid, as the official acts of a notary public or commissioner of deeds legally qualified to perform the same, as fully as if neither of the various errors, omissions, matters and conditions hereinabove enumerated had occurred or existed.

Pending actions.

§ 2. Nothing in this act contained shall affect any legal action or proceeding pending at the time this act takes effect.

§ 3. This act shall take effect immediately.

Chap. 141.

AN ACT to amend the railroad law, in relation to the expense of alteration of railroad crossings in certain villages.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1910, ch. 481, §§ 91, 94 amended.

Section 1. Sections ninety-one and ninety-four of chapter four hundred and eighty-one of the laws of nineteen hundred and ten, entitled "An act in relation to railroads, constituting chapter forty-nine of the consolidated laws," are hereby amended to read, respectively, as follows:

§ 91. **Petition for alteration of existing crossing.** The mayor and common council of any city, the president and trustees of any village, the town board of any town within which a street, avenue

[1] See L. 1910, ch. 117.

[2] See executive law (L. 1909, ch. 23), §§ 103, 106.

or highway crosses or is crossed by a steam surface railroad at grade, or any steam surface railroad company, whose road crosses or is crossed by a street, avenue or highway at grade, may bring their petition in writing to the public service commission, therein alleging that public safety requires an alteration in the manner of such crossing, its approaches, the method of crossing, the location of the highway or crossing, the closing and discontinuance of a highway crossing and the diversion of the travel thereon to another highway or crossing, or if not practicable to change such crossing from grade or to close and discontinue the same, the opening of an additional crossing for the partial diversion of travel from the grade crossing, and praying that the same may be ordered. Where a street, avenue or highway in a city, village or town, which crosses or is crossed by a steam surface railroad at grade is a part of a highway which the state commission of highways shall have determined to construct or improve as a state or county highway, as provided in article six of the highway law, such commission of highways may bring a petition containing any of the allegations above specified and praying for a like order. Upon any such petition being brought the public service commission shall appoint a time and place for hearing the petition, and shall give such personal notice thereof as it shall judge reasonable, of not less than ten days, however, to said petitioner, the railroad company, the municipality in which such crossing is situated, and if such crossing is in whole or in part in an incorporated village having not to exceed twelve hundred inhabitants, also to the supervisor or supervisors of the town or towns in which such crossing is situated; and in all cases[1] to the owners of the lands adjoining such crossing and adjoining that part of the highway to be changed in grade or location, or the land to be opened for a new crossing, and to the state commission of highways in case of a state or county highway. The public service commission shall cause notice of said hearing to be advertised in at least two newspapers published in the locality affected by the application. Upon such notice and after a hearing the public service commission shall determine what alterations or changes, if any, shall be made. If the application be made by the state commission of highways in respect to a street, avenue or highway proposed to be constructed or improved as a part of a state highway, the decision shall state whether

[1] Words "and if such crossing is . . . and in all cases," new.

such highway shall cross such railroad above or below the grade of the highway; in case of a county highway, such decision shall state whether such highway shall cross such railroad at grade, or above or below the grade of the highway. The decision of said public service commission rendered in any proceeding under this section shall be communicated within twenty days after final hearing to all parties to whom notice of the hearing in said proceeding was given, or who appeared at said hearing by counsel or in person. Any person aggrieved by such decision, or by a decision made pursuant to sections eighty-nine and ninety hereof, and who was a party to said proceeding, may within sixty days appeal therefrom to the appellate division of the supreme court in the department in which such grade crossing is situated, and to the court of appeals, in the same manner and with like effect as is provided in the case of appeals from an order of the supreme court.

§ 94. **Expense of constructing new crossings.** Whenever under the provisions of section eighty-nine of this chapter, new railroads are constructed across existing highways, the expense of crossing above or below the grade of the highway shall be paid entirely by the railroad corporations. Whenever under the provisions of section ninety of this chapter a new street, avenue or highway is constructed across an existing railroad, the railroad corporation shall pay one-half and the municipal corporation wherein such street, avenue or highway is located shall pay the remaining one-half of the expense of making such crossing above or below grade; and whenever a change is made as to an existing crossing in accordance with the provisions of section ninety-one of this chapter, fifty per centum of the expense thereof shall be borne by the railroad corporation, twenty-five per centum by the municipal corporation, and twenty-five per centum by the state; [2]except that whenever an existing crossing, in which a change is made under the provisions of said section ninety-one, is located wholly or partly within an incorporated village having not to exceed twelve hundred inhabitants, the portion of expense herein required to be borne by the municipal corporation shall be borne by the town or towns in which such crossing is situated. Whenever under the provisions of sections ninety and ninety-one of this chapter a highway is constructed across an existing railroad and is a part of a state or county highway constructed or improved as provided in the highway law,

[2] Remainder of sentence new.

one-half of the expense of making such crossing above or below grade shall be paid by the railroad corporation, and the remaining one-half of such expense shall be paid by the state in the case of a state highway, and jointly by the state, county and town in the case of a county highway, in the same proportion and in the same manner as the cost of the construction or improvement of such state or county highway is paid. Whenever in carrying out the provisions of sections ninety or ninety-one of this chapter two or more lines of steam surface railroad, owned and operated by different corporations, cross a highway at a point where a change in grade is made, each corporation shall pay such proportion of fifty per centum of the expense thereof as shall be determined by the public service commission. In carrying out the provisions of sections eighty-nine, ninety and ninety-one of this chapter the work shall be done by the railroad corporation or corporations affected thereby, subject to the supervision and approval of the public service commission, and in all cases, except where the entire expense is paid by the railroad corporation, the expense of construction shall be paid primarily by the railroad company, and the expense of acquiring additional lands, rights or easements shall be paid primarily by the municipal corporation wherein such highway crossings are located, or, in case of a state or county highway, upon the order of the state commission of highways out of moneys available therefor. Plans and specifications of all changes proposed under sections ninety and ninety-one of this chapter, and an estimate of the expense thereof shall be submitted to the public service commission for its approval before the letting of any contract. If such changes are proposed in a highway which is to be constructed or improved as a state or county highway, such plans and specifications shall also be submitted to the state commission of highways for its approval before the letting of any contract. In case the work is done by contract the proposals of contractors shall be submitted to the public service commission, and if the commission shall determine that the bids are excessive it shall have the power to require the submission of new proposals. The commission may employ temporarily such experts and engineers as may be necessary to properly supervise any work that may be undertaken under sections eighty-nine, ninety and ninety-one of this chapter, the expense thereof to be paid by the comptroller upon the requisition and certificate of the commission, said expense to be included in the cost of the particular change in grade on account of which

it is incurred and finally apportioned in the manner provided in this section. Upon the completion of the work and its approval by the public service commission an accounting shall be had between the railroad corporation and the municipal corporation, or the state commission of highways, of the amounts expended by each with interest, and if it shall appear that the railroad corporation or the municipal corporation, or the state commission of highways has expended more than its proportion of the expense of the crossing as herein provided, a settlement shall be forthwith made in accordance with the provisions of this section. All items of expenditure shall be verified under oath, and, in case of a dispute between the railroad corporation and the municipal corporation or the state commission of highways as to the amount expended, any judge of the supreme court in the judicial district in which the municipality, or the state or county highway, is situated may appoint a referee to take testimony as to the amount expended, and the confirmation of the report of the referee shall be final. In the event of the failure or refusal of the railroad corporation to pay its proportion of the expense, the same, with interest from the date of such accounting, may be levied and assessed upon the railroad corporation and collected in the same manner that taxes and assessments are now collected by the municipal corporation within which the work is done; and in the event of the failure or refusal of the municipal corporation to pay its proportion of the expense, suit may be instituted by the railroad corporation for the collection of the same with interest from the date of such accounting, or the railroad corporation may offset such amount with interest against any taxes levied or assessed against it or its property by such municipal corporation. The legislature shall annually appropriate out of any moneys not otherwise appropriated the sum of one hundred thousand dollars for the purpose of paying the state's proportion of the expense of a change in an existing grade crossing other than that required to be paid by the state from funds appropriated for the construction of state and county highways as above provided. If in any year any less sum than one hundred thousand dollars is expended by the state for the purpose aforesaid the balance remaining unexpended shall be applied to reduce the amount appropriated by the state in the next succeeding year, except that no such deduction shall be made in case there are outstanding and unadjusted obligations on account of a change in an existing grade crossing for a proportion of which the state is liable under the provisions of this

section. In the event of the appropriation made by the state in any one year being insufficient to pay the state's proportion of the expense of any change that may be ordered the first payment from the appropriation of the succeeding year shall be on account of said change, and no payment shall be made on account of any subsequent change that may be ordered, nor shall any subsequent change be ordered until the obligation of the state on account of the first named change in grade has been fully discharged, unless the same shall be provided for by an additional appropriation to be made by the legislature. The state's proportion of the expense of changing any existing grade crossing shall be paid by the state treasurer on the warrant of the comptroller, to which shall be appended the certificate of the public service commission to the effect that the work has been properly performed and a statement showing the situation of the crossing that has been changed, the total cost and the proportionate expense thereof, and the money shall be paid in whole or in part to the railroad corporation or to the municipal corporation as the public service commission may direct, subject, however, to the rights of the respective parties as they appear from the accounting to be had as hereinbefore provided for. No claim for damages to property on account of the change or abolishment of any crossing under the provisions of this article shall be allowed unless notice of such claim is filed with the public service commission within six months after completion of the work necessary for such change or abolishment.

§ 2. This act shall take effect immediately.

Chap. 142.

AN ACT to amend the state boards and commissions law, in relation to lands and properties included within improvement districts by consent.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve-a[1a] of chapter fifty-six of the laws of nineteen hundred and nine, entitled "An act in relation to state

L. 1909, ch. 56, § 12a, as added

[1a] Section 12a is expressly repealed by L. 1911, ch. 647, post, and is re-enacted as § 454 of said ch. 647.

by L. 1909, ch. 464, amended.

boards and commissions, constituting chapter fifty-four of the consolidated laws," as added by chapter four hundred and sixty-four of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 12-a. **Creation of improvement districts.** At any time after such final order shall have been approved by the legislature the commission shall determine what property included in the statement or list as specified in section twelve[1] of this chapter, other than counties, towns, cities and villages, is to be benefited by such improvement, and it shall thereupon cause to be made a survey and map showing the lands so determined to be benefited and the name of the owner of each separate parcel so far as practicable, the quantity in each parcel and the boundary lines thereof and where a parcel is intersected by a town or county line the quantity in such parcel on each side of the town or county line; and shall give to each parcel a corresponding number on said survey and map; and it shall also cause to be made a brief description or designation sufficient to identify the same, of all other property included in such statement or list so determined to be benefited, with the name of the owner thereof so far as practicable. When said survey and map and descriptions are completed a copy thereof with a certificate of their adoption duly signed by the commission shall be filed in the office of the clerk of each county in which any lands or property so determined to be benefited are situated or exist; and thereafter the commission shall fix a time and place in such county where the owners of said lands and property and other persons interested therein shall have an opportunity to be heard as to the lands and property to be benefited. Notice of the time and place of such hearing shall be given by the commission by notice published at least once a week for two successive weeks immediately prior to the time of such meeting in at least two newspapers published in such county. After such hearings, which may be adjourned from time to time by the commission or by any member thereof, the commission may make any change in its determination as to the lands and property to be benefited; in case of any such change the commission shall make a supplementary survey and map and descriptions, in like manner as is hereinbefore provided with reference to the original survey and map and descriptions, showing such changes, and file in the clerk's office of each county where

[1] As amended by L. 1911, ch. 36.

the lands and properties affected by such changes are situated or exist a copy of such supplemental survey and map and descriptions with a certificate of their adoption duly signed by the commission; and thereupon such original survey and map and descriptions, as modified by such supplemental survey and map and descriptions, if any, shall constitute the final determination of the commission as to the lands and property to be benefited by such improvement. Such final determination may be reviewed in like manner as a review is had of a determination of a board of assessors in making an assessment. Such determination as modified upon such review, if any, shall conclusively fix and establish the lands and properties benefited by said improvement, and the same together with the counties, towns, cities and villages included in said statement or list shall constitute an improvement district; and the proportional share of the total cost of such improvement and of the maintenance thereof so apportioned to the state and the counties, towns, cities and villages as provided in section twelve[1] of this chapter shall be a charge upon and be payable by the state and said counties, towns, cities and villages respectively, and the proportional share thereof collectively charged upon the lands and properties within such improvement district as in this act provided shall be a lien upon all the lands and properties within such improvement district and shall be borne by and assessed and levied upon and collected from such lands and properties in the manner hereinafter provided.

[2]In case any lands or properties heretofore or hereafter included within an improvement district so fixed and established by the commission shall not for any reason be properly or legally included therein or shall not for any reason be legally liable to assessment and taxation for the cost and expenses of an improvement for which such district has been or shall be so fixed and established, the said lands and properties shall nevertheless constitute and become a part of such improvement district and shall be legally liable to assessment and taxation for the cost and expenses of such improvement and the maintenance of the same and the bonds and certificates issued therefor and the interest thereon in all respects as in this chapter provided, upon recording in the office of the clerk of the county or counties in which

[1] As amended by L. 1911, ch. 36.
[2] Remainder of section new.

such lands or properties are located an instrument in writing duly executed, acknowledged and delivered to the commission by the owner or owners thereof consenting that the said lands and properties shall constitute a part of such improvement district; and thereupon all the provisions of this chapter shall apply to the improvement or regulation of a watercourse and its tributaries with respect to which such consents shall be so executed and recorded and as to which the lands and properties referred to in such consents shall constitute the improvement district in whole or in part. Jurisdiction is hereby conferred upon the supreme court and the county court of the county in which any of such lands or properties are located to authorize the execution and delivery to the commission of such consent upon such terms as the court shall approve on behalf of an infant or incompetent owner of such lands or properties in the same manner as provided by law[3] with respect to the sale, mortgage or lease of the real property of an infant or incompetent person.

§ 2. This act shall take effect immediately.

Chap. 143.

AN ACT to repeal chapter four hundred and thirty-two of the laws of eighteen hundred and sixty-eight, entitled "An act to constitute a separate road district in the towns of Fairfield, Manheim and Little Falls, Herkimer county."

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1868, ch. 432 repealed.

Section 1. Chapter four hundred and thirty-two of the laws of eighteen hundred and sixty-eight, entitled "An act to constitute a separate road district in the towns of Fairfield, Manheim and Little Falls, Herkimer county," is hereby repealed, and all offices and positions, created under said act and not provided for by any general or other law, are abolished and the powers and duties of the incumbents thereof hereby made to cease and determine.

§ 2. This act shall take effect immediately.

[3] See code of civil procedure, §§ 2345–2364.

Chap. 144.

AN ACT to amend chapter four hundred and seventy-nine of the laws of eighteen hundred and ninety-five, entitled "An act to establish a police and fire department in the village of Canastota, Madison county," in relation to the compensation of the chief of police, policemen and special patrolmen.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-four of chapter four hundred and seventy-nine of the laws of eighteen hundred and ninety-five, entitled "An act to establish a police and fire department in the village of Canastota, Madison county," is hereby amended to read as follows: L. 1895, ch. 479, § 24 amended.

§ 24. The pay of the chief of police, policemen and special patrolmen shall be fixed by said police and fire commissioners subject to the approval of the board of trustees.[1] Such salaries as so fixed[2] shall be paid monthly upon the warrant of the president of the board of trustees drawn upon the treasurer of the village, and the money to pay the same shall be taken from the fund which is designated as the police justice fund; whenever there shall not be sufficient money to the credit of that fund with which to pay such salary, then and in that case the board of trustees of the village of Canastota are hereby authorized to borrow money sufficient for such purpose, and the amount so borrowed shall be in addition to and collected with the amount annually raised by taxation in said village as now authorized by law. Such policemen shall not receive any other compensation, except when traveling in the discharge of their duty in conveying persons to prison, or by direction of the board of police and fire commissioners in the discharge of their duties, or upon the direction of the police justice, upon warrant issued by him, when their actual expenses shall be paid upon a verified account of the items of such expenses in detail, to be cer- Pay of policemen. Deficiency in fund. Traveling expenses.

[1] Section to here formerly read: "The pay of each of said policemen shall be fixed by said police and fire commisssioners." Provision limiting amounts of salaries omitted.

[2] Words "as so fixed" new.

tified by the board of police and fire commissioners and audited and paid by the board of trustees of the village of Canastota out of the police justice fund.

§ 2. This act shall take effect immediately.

Chap. 145.

AN ACT making an appropriation for the deportation of alien and nonresident lunatics to other countries and states, and for the office expenses of the state commission in lunacy.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of four thousand dollars ($4,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the deportation of alien and nonresident lunatics to other countries and states; the further sum of two thousand five hundred dollars ($2,500) is hereby appropriated for office expenses for the state commission in lunacy for the year ending September thirtieth, nineteen hundred and eleven.

§ 2. This act shall take effect immediately.

Chap. 146.

AN ACT to repeal chapter four hundred and forty-four of the laws of nineteen hundred and ten, entitled "An act to establish a public school teachers' retirement fund in Greene county," and to provide for the distribution of moneys heretofore paid into said fund.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1910, ch. 444 repealed.

Section 1. Chapter four hundred and forty-four of the laws of nineteen hundred and ten, entitled "An act to establish a public

school teachers' retirement fund in Greene county," is hereby repealed, and, except as otherwise provided by law, all moneys, if any, heretofore paid into said retirement fund and now constituting a part thereof shall be repaid by the treasurer of said fund to the various persons, corporations, boards and officers contributing the same and entitled thereto, upon vouchers duly audited by a majority of the members of the board of trustees in charge of such fund. Repayment of moneys.

§ 2. This act shall take effect immediately.

Chap. 147.

AN ACT to amend the penal law, in relation to processions on Sunday in cities.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-one hundred and fifty-one of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended to read as follows: L. 1909, ch 88, § 2151 amended.

§ 2151. **Processions and parades on Sunday.** All processions and parades on Sunday in any city, excepting only funeral processions for the actual burial of the dead, and processions to and from a place of worship in connection with a religious service there celebrated, are forbidden; and in such excepted cases there shall be no music, fireworks, discharge of cannon or firearms, or other disturbing noise. At a military funeral, or at the funeral of a United States soldier, sailor or marine, or of a national guardsman,[1] or of a deceased member of an association of veteran soldiers, sailors or marines,[2] or of a disbanded militia regiment, or of a secret fraternal society, music may be played while escorting the body; also in patriotic military processions on Sunday previous to Decoration day, known as memorial Sunday, to cemeteries or

[1] Sentence to here formerly read: "At a military funeral, and at the burial of a national guardsman."

[2] Words "sailors or marines" new.

other places where memorial services are held;[3] but in no case[4] within one block of a place of worship where service is then being celebrated. A person willfully violating any provision of this section is punishable by a fine not exceeding twenty dollars or imprisonment not exceeding ten days, or by both.

§ 2. This act shall take effect immediately.

Chap. 148.

AN ACT reappropriating the unexpended balance of the appropriation heretofore made to the New York Interstate Bridge Commission and making an additional appropriation therefor.

Became a law May 17, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of nine thousand eight hundred and six and eight-hundredths dollars ($9,806.08), being the unexpended balance of the appropriation of twenty-five thousand dollars ($25,000) made to the New York Interstate Bridge Commission by chapter four hundred and fifty-seven of the laws of one thousand nine hundred and nine, is hereby reappropriated and made available, and in addition thereto the sum of seven thousand five hundred dollars ($7,500), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purpose of contributing an equal proportionate share of the expenses of borings and general engineering and to provide for the share of the expenses of said commission, in co-operating with the New Jersey Interstate Bridge Commission. The amount so appropriated shall be payable by the state treasurer, on the warrant of the comptroller, on itemized vouchers certified to by the chairman of the New York Interstate Bridge Commission.

§ 2. This act shall take effect immediately.

[3] Words "also in patriotic military . . . services are held," new.
[4] Words "in no case" substituted for "not."

Chap. 149.

AN ACT providing for the assessment and taxation of lands owned by the state in the county of Rockland.

Became a law May 17, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All lands in the county of Rockland heretofore or hereafter acquired for a public use by the state of New York, as provided by law, shall be assessed and taxed in the towns where situated for state, county, town, village, school and highway purposes in the same manner as other real property owned by persons and individuals in such towns and villages. The assessed valuation of the lands so acquired shall not be reduced below the assessed valuation of such lands at the time they were acquired, until the bonds and other indebtedness of such towns and villages and the county of Rockland, outstanding at the time this act takes effect, shall be fully paid, nor shall the assessed valuation of such lands include the improvements, if any, erected thereon by the state. All lands which have heretofore been purchased by the state in the county of Rockland, subsequent to the assessment thereof in any year by the board of assessors of the town wherein such lands are situated, although prior to the levying of the taxes for that year upon such assessment, are hereby made subject to the lien of the taxes so levied, and all such taxes shall be paid by the state to the treasurer of the county of Rockland; and the provisions of section four hundred and forty of the education law,[1] so far as the provisions of this act are not in conflict therewith, shall govern the assessment, levy and collection of school taxes on such state lands in said county.

§ 2. This act shall take effect immediately.

[1] L. 1909, ch. 21, as generally revised and amended by L. 1910, ch. 140.

§ 95. **Conversion of a stock life insurance corporation into a mutual life insurance corporation.** Any domestic stock life insurance corporation, whether incorporated under a general law or by special act, may become a mutual life insurance corporation, and to that end may carry out a plan for the acquisition of shares of its capital stock, provided, however, that such plan: (1) Shall have been adopted by a vote of a majority of the directors of such corporation; (2) shall have been approved by a vote of stockholders representing a majority of the capital stock at a meeting of stockholders called for the purpose; (3) shall have been approved by a majority vote at a meeting called for the purpose, in such manner as shall be provided for in such plan, of policyholders each insured in at least one thousand dollars and whose insurance shall then be in force and shall have been in force for at least one year prior to such meeting; and (4) shall have been submitted to the superintendent of insurance and shall have been approved by him in writing, provided that such plan shall not be approved by the superintendent unless at the time of such approval the corporation, after deducting the aggregate sum appropriated by such plan for the acquisition of all of its capital stock, shall be possessed of assets sufficient to maintain its deposit theretofore made with the superintendent and not less than the entire liabilities of the corporation, including the net values of its outstanding contracts computed according to the standard adopted by the corporation under section eighty-four[3] of this chapter, and also all funds, contingent reserves and surplus save so much of the latter as shall have been appropriated under such plan.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

[3] As amended by L. 1909, ch. 301, and L. 1910, ch. 616.

Chap. 151.

AN ACT to amend the highway law, in relation to the removal of weeds, brush and obstructions from the highways.

Became a law May 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-four of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 30, § 54 amended.

§ 54. **Removal of noxious weeds and brush within the highways, and of obstructions caused by snow.** It shall be the duty of the owner or occupant of lands situated along the highway to cut and remove the noxious weeds growing within the bounds of the highway, fronting such lands, at least twice in each year, once in the month of June, and once in the month of August. [1]It shall be the duty of such owner or occupant to cut and remove all briers and brush, growing within the bounds of the highway, fronting such lands, once in the month of August in each year. It shall also be the duty of such owner or occupant to remove brush, shrubbery and other obstructions within the bounds of the highway, causing the drifting of snow upon said highway, before the first day of November in each year. If such owner or occupant fails to cut or remove such weeds or brush, or to remove such brush, shrubbery or other obstructions, causing the drifting of snow, as provided herein, the town superintendent of the town in which said lands are situated shall cause the same to be done, and the expense thereby incurred shall be paid in the first instance out of moneys levied and collected and available therefor, and the amount thereof shall be charged against such owner or occupant, and levied and collected, as provided in section fifty-five. [2]The town board of any town may, by resolution, determine that the work required by this section to be done by the owner or occupant of lands situated along the highway shall be done by the town superintendent. If such resolution be adopted such work shall be done by the town superintendent at the times prescribed

[1] Words "Unless otherwise directed by the commission," omitted.
[2] Remainder of section new.

by this section, the cost thereof shall not be charged or assessed against the owner or occupant but shall be a town charge, and there shall be annually raised in such town in addition to other moneys raised for highway purposes, a sum sufficient to pay such expense.

§ 2. This act shall take effect immediately.

Chap. 152.

AN ACT to give the American Museum of Safety a charter of incorporation.

Became a law May 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators. Section 1. Philip T. Dodge, Charles A. Doremus, Norman E. Ditman, Robert A. Franks, George Gilmour, Frederick L. Hoffman, Albert A. Hopkins, Frederick R. Hutton, Charles Kirchhoff, Edson S. Lott, Thomas Lynch, T. Comerford Martin, William J. Moran, Fred E. Rogers, Louis L. Seaman, James Speyer, Albert R. Shattuck, William H. Tolman, Franklin Webster, Henry D. Whitfield and Arthur Williams, and such other persons as may hereafter be associated with them, and their successors, are hereby constituted and created a body corporate by the name and title of American Museum of Safety.

Corporate name.

Objects. § 2. The objects of the corporation hereby created are to study and promote means and methods of safety and sanitation and the application thereof to any and all public or private occupations whatsoever, and of advancing knowledge of kindred subjects; and to that end to establish and maintain a museum, library and laboratories, and their branches wherein all matters, methods and means for improving the general condition of the people as to their safety and health may be studied, tested and promoted, with a view to lessening the number of casualties and avoiding the causes of physical suffering and of premature death; and to disseminate the results of such study, researches and test by lectures, exhibitions and other publications.

Office. § 3. The corporation hereby created shall maintain its principal office in the borough of Manhattan, city, county and state

of New York, and it shall be perpetual, and it shall have the general powers and privileges of a corporation as the same are declared in chapter twenty-three of the consolidated laws[1] of the state of New York, and said body corporate shall be classed as an educational corporation. Powers and privileges.

§ 4. For the uses and purposes aforesaid, the said corporation is authorized and empowered to take and hold by grant, devise, bequest, gift, purchase, lease or otherwise, either absolutely or in trust, any real or personal property, in any amount, which may be necessary or proper for the purposes of its incorporation; and to lease, mortgage, grant, sell or convey any real or personal property, or any interest therein which it may own, and to invest and reinvest the proceeds of any such disposition of such property in such manner as such trustees shall deem to be for the best interests of such corporation, and to erect and maintain all necessary and suitable buildings. Property rights.

§ 5. All the powers and privileges shall be exercised by the persons mentioned in the first section of this act, and such other persons as may hereafter be associated with them and their successors, and such persons and their successors shall be known as trustees. No trustee shall be liable for the debts of such corporation. The qualifications, number and terms of office of all trustees, the manner of selecting their successors, the manner of filling or causing vacancies in the board of trustees, the manner and cause of removal, and the method of resignation of trustees shall be provided by the by-laws of said corporation. The number of such trustees shall not be reduced below seven. Such trustees shall hold office for such term or terms as may be fixed by the by-laws. No member of the board of trustees shall receive any pecuniary compensation for his services as such trustee. The by-laws of the corporation hereby created shall be adopted by the trustees mentioned in the first section of this act, by the affirmative vote of at least the majority thereof. Such by-laws may thereafter be amended, modified or repealed, or new ones adopted in the manner therein prescribed. Such by-laws shall prescribe the names, number, terms and duties of the officers of said corporation, and said by-laws may prescribe and regulate such other matters and things as shall from time to time be determined upon by said trustees. Said trustees, by by-law, resolution or otherwise, may name, constitute and appoint an executive committee Trustees. By-laws. Executive committee.

[1] General corporation law (L. 1909, ch. 28).

or other committees or boards, consisting of persons, resident of the state of New York or elsewhere, and may give and grant unto any such committee or committees or boards such of their powers, privileges and duties, or either of them, as said trustees may from time to time determine.

Ex officio trustee.

§ 6. The commissioner of labor or such state official as may be designated by the governor shall be ex officio a trustee of the corporation hereby created.

Supervision by supreme court.

§ 7. The supreme court shall possess and exercise a supervising power over the corporation aforesaid, and may at any time, on reasonable notice to the trustees, compel from them a full account of the execution of their trust, and said corporation shall at any time render such report as either branch of the legislature shall call upon it to render.

Reports to legislature.

§ 8. This act shall take effect immediately.

Chap. 153.

AN ACT making an appropriation for maintenance and improvement of buildings and grounds on the state fair grounds at Syracuse.

Became a law May 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of forty thousand dollars ($40,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated for the maintenance and improvement of the grounds and buildings on the state fair grounds at Syracuse and for filling and grading said grounds. Such money shall be payable by the treasurer on the warrant of the comptroller and the certificate of the state fair commission.

§ 2. This act shall take effect immediately.

Chap. 154.

AN ACT making an appropriation for highway improvement in expediting the building of certain state routes.

Became a law May 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for improvement of routes 18 and 30.

Section 1. The sum of one million dollars ($1,000,000), to become available immediately, or so much thereof as may be necessary, is hereby appropriated, payable out of moneys realized from the sale of bonds issued in accordance with the provisions of chapter four hundred and sixty-nine of the laws of nineteen hundred and six, as amended by chapter seven hundred and eighteen of the laws of nineteen hundred and seven. The money hereby appropriated shall be expended for the construction and improvement of portions of state routes numbers eighteen and thirty in the counties of Niagara and Orleans, as defined by section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine in such manner as to complete a system of improved roads, beginning at the easterly city line of Niagara Falls and from thence following route eighteen southeasterly to the Niagara county line, and from the easterly city line of Niagara Falls following route thirty easterly to a point to be determined on the dividing line between Orleans and Monroe counties, and from the northerly city line of Niagara Falls following route eighteen by the way of Lewiston to a point near the mouth of the Niagara river, Niagara county.

Time for construction limited.

§ 2. The state highway commission shall promptly, upon such money becoming available, complete maps, plans, specifications and estimates for the construction and improvement of said portions of such routes, and cause the same to be constructed and improved by November first, nineteen hundred and twelve.

Equalization of mileage to be maintained.

§ 3. No county in which roads are improved under this chapter shall participate in the annual distribution of funds for the improvement of state routes until such time as the counties not participating in the funds provided by this chapter shall have received such amount of improvement as will equalize the mileage.

§ 4. This act shall take effect immediately.

Chap. 155.

AN ACT making an appropriation for highway improvement in expediting the building of a certain state route.

Became a law May 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for improvement of routes 5 and 3.

Section 1. The sum of one hundred and ten thousand dollars ($110,000), to become available immediately, is hereby appropriated, payable out of moneys realized from bonds issued in accordance with the provisions of chapter four hundred and sixty-nine of the laws of nineteen hundred and six, as amended by chapter seven hundred and eighteen of the laws of nineteen hundred and seven. Sixty thousand dollars of such money, or so much thereof as may be necessary, shall be expended according to the provisions of article six of the highway law for the construction and improvement of that part of state route number five, as defined by section one hundred and twenty of the highway law, commencing at the city of Kingston, and running thence to a point on the boulevard to be erected by the city of New York near the present village of West Hurley, and fifty thousand dollars of such money, or so much thereof as may be necessary, shall be so expended for the construction and improvement of that part of route number three as defined by section one hundred and twenty of the highway law, commencing at the village of Saugerties and running thence northerly to the Greene county line. A county in which a road so improved is situated shall not participate in the future annual appropriation of funds for the improvement of state roads, until such time as the counties not participating in the funds provided by this chapter shall have received such amount of improvement as will equalize the mileage.

§ 2. This act shall take effect immediately.

Chap. 156.

AN ACT to amend the general city law, in relation to the supervision and regulation of plastering in cities of the first class.

Became a law May 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty-six of the laws of nineteen hundred and nine, entitled "An act in relation to cities, constituting chapter twenty-one of the consolidated laws," is hereby amended by inserting therein a new article, to be article four-a thereof, to read as follows: Art. 4a added to L. 1909, ch. 26.

ARTICLE 4-a.

SUPERVISION AND REGULATION OF PLASTERING.

Section 60. Supervision of plastering by building department.
61. Three coat work required on lath.
62. Key space.
63. First coat or scratch coat.
64. Second coat.
65. Finishing.
66. Cornices or coves.
67. Patent plasters.

§ 60. **Supervision of plastering by building department.** The building department of every city of the first class shall have jurisdiction over all plastering except where it conflicts with the duties of any other department or conflicts with any law conferring on any other department supervision of any portion of plastering. For such purpose there shall be appointed in each building department in a city of the first class by the head thereof a sufficient number of inspectors to perform such work as is necessary in the enforcement of this article who, in addition to such qualifications as may be required by the civil service law, shall be competent plasterers of at least ten years' practical experience.

§ 61. **Three coat work required on lath.** All plastering in tenements, apartments, hospitals, schools and other public buildings when on lath shall be known as three coat work, namely, scratch coat, brown coat and finish.

§ 62. **Key space.** All ceilings, stud partitions and furred walls

in tenements, apartments, hospitals, schools, and other public buildings where plastered with lime on wood lath shall have not less than three-eighths space between lath. All grounds and jambs shall mean not less than seven-eighths from the stud.

§ 63. **First coat or scratch coat.** First or scratch coat shall be of first quality to be scratched thoroughly to make a key to retain second coat; and shall be thoroughly dry or set before applying second coat.

§ 64. **Second coat.** Second coat or brown mortar shall be of first quality. All browning must be straight, true with no unevenness or irregularity of surface.

§ 65. **Finishing.** When white mortar, or any other material of a like character is used for finish coat, it shall be laid on regular and troweled to a smooth surface showing neither deficiencies or brush marks.

§ 66. **Cornices or coves.** All cornices or coves shall be run straight, true and smooth.

§ 67. **Patent plasters.** When patent plasters, such as ivory, acme, windsor, et cetera, are used, lathing, if of wood lath, shall not be less than one-quarter inch key space. First coat shall be thoroughly scratched to make key to retain second coat, and shall be set before second coat is applied.

Tenement house act not affected.

§ 68. Nothing in this article contained shall affect the tenement house act and the enforcement of the provisions thereof by the city of New York.

In effect Jan. 1, 1912.

§ 2. This act shall take effect January first, nineteen hundred and twelve.

Chap. 157.

AN ACT to authorize the city of Buffalo to discontinue a part of Quincy street.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Buffalo may, by resolution of its common council, discontinue all that part of Quincy street in said city

situate southerly of a line drawn parallel to and one hundred and fifty feet southerly from the southerly line of Ashley street, any statute or part of a statute to the contrary notwithstanding.

§ 2. This act shall take effect immediately.

Chap. 158.

AN ACT authorizing the city of Buffalo to borrow money by issuing bonds in sums not exceeding in the aggregate one hundred thousand dollars, for the purpose of improving playgrounds in said city and acquiring additional lands therefor.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Buffalo is hereby authorized to borrow money in sums not to exceed in the aggregate one hundred thousand dollars, and to issue its bonds therefor, for the purpose of making improvements of and on playgrounds in said city. And of acquiring such additional lands for playground purposes as may be duly authorized by the common council of said city. Such bonds shall be issued in such amounts and for such periods and at such rate of interest not exceeding four and one-half per centum, as the common council shall prescribe in the resolution or resolutions ordering same and shall be issued from time to time by the mayor and comptroller, under the city seal, as may be ordered by the common council in its discretion and shall be sold or awarded as provided in section four hundred and ninety-two of the charter of said city, being chapter one hundred and five of the laws of eighteen hundred and ninety-one, as amended by chapter two hundred and eighty-nine of the laws of eighteen hundred and ninety-four and chapter forty-eight of the laws of nineteen hundred and six. The interest on said bonds shall be payable semi-annually at the office of the comptroller of the city of Buffalo, or at the Gallatin National Bank in the city of New York, as the purchaser may elect, and the principal of said bonds shall be payable at the same place at such times as shall be

ordered by the common council; provided, that the principal of said bonds shall be due and payable within a term not exceeding twenty years from their date of issue. The common council shall make provision in the general fund estimates of said city for the payment of the interest on and the principal of said bonds as the same shall become due.

§ 2. This act shall take effect immediately.

Chap. 159.

AN ACT to amend the education law, in relation to reports of school officers and certificates of apportionment of school moneys.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 99 added to L. 1909, ch. 21, as generally amended by L. 1910, ch. 140.

Section 1. Article four of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, is hereby amended by creating a new section, to be known as section ninety-nine, which shall read as follows:

§ 99. **County clerk and county treasurers to forward certain reports.** 1. The county clerk of each county shall, upon the requisition of the commissioner of education, file with such commissioner any reports of trustees of school districts and boards of education or the abstract of such reports made by school commissioners which have been filed in the office of such county clerk pursuant to the provisions of the education law, whenever it is necessary for the commissioner of education to obtain information or data contained in official reports which have been transmitted to the education department but which have been destroyed by fire or otherwise.

2. The county treasurer of each county shall, upon the requisition of the commissioner of education, forward to said commissioner any original certificates relating to the apportionment of school moneys which the commissioner of education has filed in the office of such treasurer whenever it is necessary to obtain in-

formation on the apportionment of school moneys when the data relating thereto in the office of the commissioner of education has been destroyed by fire or otherwise. After securing such information as may be necessary from such certificates, the commissioner of education shall return the same to the treasurer of such county.

§ 2. This act shall take effect immediately.

Chap. 160.

AN ACT to amend the tax law, in relation to the salary of the transfer tax clerk in the county of Queens.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision six of section two hundred and thirty-four of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," as amended by chapter seventy of the laws of nineteen hundred and ten, is hereby amended to read as follows:

L. 1909, ch. 62, § 234, subd. 6, as amended by L. 1910, ch. 70, amended.

6. In Queens county, a transfer tax clerk, fifteen hundred dollars.[1]

§ 2. This act shall take effect immediately.

[1] Formerly $1000.

Chap. 161.

AN ACT to amend the insurance law, by providing for the admission of certain mutual fire insurance corporations of other states.

Became a law May 31, 1911, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-nine[1] of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," is hereby amended to read as follows:

§ 149. **Authorization of foreign mutual fire insurance corporations.** Every mutual fire insurance company or association incorporated under the laws of any other state of the United States may be permitted to do business in this state by the superintendent of insurance on filing with him the following:

(a) A certified copy of its articles of incorporation or association and of its by-laws.

(b) A consent, duly executed, appointing the superintendent of insurance to be the true and lawful attorney for such company or association in and for this state, upon whom all legal process in any action or proceeding against the company or association may be served with the same effect as if it was a domestic company or association. Service upon such attorney shall thereafter be deemed service upon the company or association.

(c) An agreement that it will pay the taxes provided for in section one hundred and forty-nine-a of this chapter, and that it will furnish any further information as to its financial condition,[1a] as the superintendent of insurance shall require.

(d) And each such company shall pay to the superintendent of insurance the fees required by section six of this chapter.

Provided, that no such certificate of authority shall be granted unless such company shall [2](a) have at least five million dollars of insurance in force in not less than two hundred separate risks: and (b) shall have transacted a fire insurance business in its home

[1] Section 149 is further amended by L. 1911, ch. 765, post.
[1a] Words "and the premiums collected by it within this state," omitted.
[2] Remainder of section materially amended.

state for at least ten years; and (c) shall have had insurance in force in at least the amount of five million dollars in each of the five years immediately preceding its application for admission to do business in this state; and (d) shall have and maintain a reserve fund equal to the total unearned premiums on the policies in force calculated on the gross sum without any deduction on any account charged to policyholders on each respective risk from the date of the issue of the policy; and (e) in addition to maintaining such unearned premium reserve fund, shall either keep on deposit for the benefit of all its policyholders with the superintendent of insurance of this state or with the auditor, comptroller or general fiscal officer of the state under the laws of which it is incorporated, the sum of two hundred thousand dollars, or shall have a surplus or other net assets of at least fifty thousand dollars and in addition contingent assets of at least fifty thousand dollars in the form of the obligations of policyholders to pay such amount when lawfully assessed therefor; and (f) shall have net and contingent assets which together with the unearned premium fund shall equal one per centum of the total insurance in force; and (g) in the event that such company does not keep on deposit the sum of two hundred thousand dollars as in "e" aforesaid it shall provide in all policies issued by it that the policyholder is liable, in addition to the original premium paid, to assessment in an amount at least equal to one year's premiums; provided, further, that no such company shall be exposed to loss to an amount exceeding ten per centum of its actual net and contingent assets upon property not protected by automatic sprinklers situated within the boundaries of one city block or on one group of buildings composed of attached or adjacent buildings which have less than sixty feet of clear space at all points between such buildings and other buildings; provided, further, that the certificate of authority granted by the superintendent of insurance pursuant to the provisions of this act to such insurance corporation to do business in this state shall not remain in force for a longer period than one year and that whenever the condition of any such corporation to which a certificate of authority has been granted is such that it cannot meet all the requirements of this section the superintendent of insurance shall forthwith revoke such certificate. The deposit of the surplus of any such company so authorized to do business in this state, to the extent of the minimum amount thereof required by this section shall be invested and kept invested in securities of the kind and character in which do-

mestic companies are required to invest as minimum capital investments by section sixteen[3] of this chapter. Any such company so admitted to do business may in addition to insuring property against loss or damage by fire also insure any goods or premises against loss or damage by water caused by the breakage or leakage of sprinklers, pumps, water pipes, or plumbing and its fixtures and against accidental injury from other cause than fire or lightning to such sprinklers, pumps, water pipes, plumbing and fixtures.

§ 149a, as added by L. 1909, ch. 286, amended.

§ 2. Section one hundred and forty-nine-a of said chapter is hereby amended to read as follows:

§ 149-a. **Premium or assessment tax.**[4] Every mutual fire insurance company or association authorized to do business in this state pursuant to section one hundred and forty-nine[5] of this chapter shall, in lieu of all other taxes on premiums,[6] annually, on or before the first day of February of each year, pay a tax of one per centum on all gross premiums or assessments collected or received by it or them for such insurance upon property situate within this state during the preceding year ending the thirty-first day of December to the superintendent of insurance, [7]except that any company so authorized to do business in this state which is incorporated under the laws of any other state, which taxes such company therein upon the gross premiums or assessments collected by it less that portion of said gross premiums or assessments returned on policies expired or canceled, shall not be required to pay under this section any different or higher rate, provided, however, that in no event shall such tax be less than three per centum of the net cost of insurance to the policyholder.

On or before the first day of February of each year every such company or association shall file with said superintendent a detailed statement showing the gross amount of premiums and assessments collected during the preceding year, for insurance upon property located in this state and specifying the amounts of premiums and assessments so collected by city, town, village or fire district in which the property covered by such insurance is located. In case any such company or association shall neglect or refuse to make and file such report, or pay the tax imposed by this section,

[3] As amended by L. 1909, chaps. 240, 302, L. 1910, ch. 634, and L. 1911, ch. 150.

[4] Section heading formerly read: "Tax on foreign mutual fire insurance corporation."

[5] As added by L. 1909, ch. 286.

[6] Words "in lieu of all other taxes on premiums," new.

[7] Remainder of sentence new.

its certificate of authority to do business in this state shall be revoked by the superintendent of insurance and it shall forfeit the sum of one hundred dollars for each day after the first day of February of each year that it shall omit to make and file such report, or shall neglect to pay the tax imposed by this section, which sum shall be collected in an action in the name of the people of the state of New York to be prosecuted by the superintendent of insurance and collected by him. After the neglect or refusal of such company or association to make and file such report, or pay such tax, such company or association or its agents shall not effect any insurance on any property in this state.

§ 3. This act shall take effect immediately.

Chap. 162.

AN ACT to amend section three of title four of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Port Chester," in relation to the collection of taxes in said village.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of title four of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight of the state of New York, entitled "An act to incorporate the village of Port Chester," is hereby amended to read as follows:[1]

L. 1868, ch 818, tit. 4, § 3 amended.

§ 3. The said receiver shall indorse on said warrant the time when the same shall be received by him, and shall proceed to collect the amount of such tax, together with one per centum in addition thereto on all sums collected within thirty days after he shall receive such warrant, and five per centum on all sums collected after the expiration of said thirty days, with interest on the amount of such tax at the rate of seven per centum per annum, commencing at the expiration of thirty days after he shall have received such warrant, and at the rate of seven per centum per annum after the expiration of sixty days from the time he shall

Collection of tax: percentages and interest to be added.

[1] Section materially amended.

Deposit and application of proceeds.

receive the same, and shall deposit such percentage from day to day in a bank or banks, as provided by law, to the joint account of the supervisor of the town of Rye and the president of the village of Port Chester, and shall, in like manner, deposit the amount of taxes and interest thereon, collected by him to the account of the treasurer of the village of Port Chester; and the moneys so deposited to the account of such treasurer shall be applied by him, under the direction of the board of trustees, to the purposes for which said tax was authorized to be raised. At the expiration of sixty days after he shall have received such warrant, or immediately after the expiration of any extension thereof, the receiver shall forthwith make his return of proceedings under the same to the trustees of said village, and shall file said warrant, and the tax list annexed thereto, with the village clerk, together with a statement and list of the taxes remaining uncollected, and the reasons why the same were not collected, which statement shall be verified by the oath of said receiver, to the effect that the same is in all respects true; and the village clerk shall deliver said warrant, tax list and statement to the trustees at their next meeting after the filing thereof; but the board of trustees may, by resolution, extend the time for the collection of such taxes by such receiver beyond the said sixty days, and may, at any time, authorize a new warrant to be issued to such receiver, or to his successor, for the collection of any unpaid tax, or for the arrears of taxes of any year remaining uncollected, together with the interest thereon at the rate of seven per centum per annum, and a penalty of five per centum for the use of the village, in addition to the percentage to be collected for the payment of the receiver's salary, which warrant shall be in the form and returnable within the time hereinbefore provided. To all taxes returned unpaid by the receiver there shall be added, for the use of said village, a penalty of five per centum on the amount thereof, in addition to the interest thereon at the rate of seven per centum per annum, and which shall be collected with said tax whenever thereafter the same shall be collected or paid.

Receiver's return.

Extension of time for collection.

New warrant; additional percentages and interest.

§ 2. This act shall take effect immediately.

Chap. 163.

AN ACT to amend chapter one hundred and sixty-seven of the laws of nineteen hundred and six, entitled "An act to make the office of county clerk of Wyoming county a salaried office, and regulating the management of said office," in relation to salary of said clerk and amount authorized for employment of assistants.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1906, ch. 167, § 1 amended.

Section 1. Section one of chapter one hundred and sixty-seven of the laws of nineteen hundred and six, entitled "An act to make the office of county clerk of Wyoming county a salaried office, and regulating the management of said office," is hereby amended to read as follows:[1]

Supervisors to fix salary.

§ 1. Each clerk of the county of Wyoming hereafter to be elected, shall receive as compensation for his services a stated annual salary to be previously fixed by the board of supervisors of said county, by resolution, which salary shall not be increased or diminished during the term of the clerk to whom it applies; excepting that such board may, in its discretion, grant in like manner to the present incumbent, in office when this amendment takes effect, a salary of not to exceed two thousand dollars annually for the balance of his term. If at any time the board fails to prescribe the salary of a newly elected clerk before his term of office begins, he and any subsequent incumbent during the term for which he was elected shall receive the same salary as his predecessor.

§ 2, as amended by L. 1907, ch. 617, amended.

§ 2. Section eight of such chapter, as amended by chapter six hundred and seventeen of the laws of nineteen hundred and seven, is hereby amended to read as follows:

Deputy clerk.

§ 8. The said county clerk shall within ten days after entering upon the duties of his office make, under his hand and seal, and record in his office, a written appointment of some suitable person to be deputy county clerk of the county of Wyoming. Every such deputy clerk shall hold office during the pleasure of the clerk. The

[1] Section materially amended.

salary of the deputy clerk shall be fixed by the board of supervisors, but until changed by said board the present deputy clerk shall continue to receive his present salary of[2] one thousand dollars per year. Said clerk may, if at any time he deems it necessary, appoint some one of his assistants to act as special deputy clerk, during the pleasure of the clerk, without any additional compensation. Such special deputy clerk may perform such duties of the clerk as may be assigned to him by the order appointing him or any subsequent order, which order or orders shall be filed in the office of said clerk before such special deputy clerk enters upon his duties thereunder. The said county clerk may also appoint such number of assistant clerks as said board of supervisors may determine who shall hold office during the pleasure of said county clerk. The salaries of such assistants shall also be fixed by the board of supervisors.[3] Any or all work done by such assistants may be done and paid for by piece or folio, in the discretion of said board of supervisors, at a price to be fixed by such board, and the amount of work so performed by each person shall be certified to by the county clerk for each calendar month, and upon presentation of such certificate to the county treasurer he shall pay the same out of any moneys in his hands belonging to said county. The salaries and compensation of the said county clerk, deputy clerk and assistants shall be paid monthly by the county treasurer upon the certificate of the county clerk showing the amount due to each and for what due. Nothing herein contained shall prohibit said county clerk from appointing such additional special deputy clerks or additional assistants as he may deem wise, but such additional special deputy clerks or additional assistants shall serve without expense to the county of Wyoming.

Special deputy clerk.

Other assistants.

Work of assistants, how paid for.

Salaries, etc., payable monthly.

Additional assistants.

§ 3. This act shall take effect immediately.

[2] Words "fixed by the board . . . salary of," new.

[3] Words "; the total amount of the salaries of such assistants, however, shall not exceed fifteen hundred dollars per annum, provided, however, that," omitted.

Chap. 164.

AN ACT providing for the development and extension of the state college of agriculture and the state veterinary college at Cornell University, and making an appropriation therefor.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Contracts for construction of buildings for certain purposes, authorized.

Section 1. For the purpose of continuing the development of the plan adopted by the board of trustees of Cornell University for the extension of the New York state college of agriculture at Cornell University which was begun by chapter five hundred and thirty of the laws of nineteen hundred and ten, and also for beginning the development of such plan for the extension of the New York state veterinary college at Cornell University, the board of trustees of such university are hereby authorized to enter into the necessary contract or contracts for the construction of a heating plant for such college of agriculture for an amount not to exceed in the aggregate fifty thousand dollars, for the construction of a barn in connection with such college of agriculture for an amount not to exceed in the aggregate twenty thousand dollars, and for the construction of a clinical and hospital building or buildings in connection with the New York state veterinary college for an amount not to exceed in the aggregate one hundred and forty thousand dollars; and there is hereby appropriated for the purpose of constructing such heating plant the sum of fifty thousand dollars ($50,000), for the purpose of constructing such barn the sum of twenty thousand dollars ($20,000), and toward the purpose of constructing such clinical and hospital building or buildings the sum of eighty-five thousand dollars ($85,000), out of any moneys in the treasury not otherwise appropriated.

Appropriation.

University to convey lands to state.

§ 2. None of the moneys hereby appropriated, however, shall be or become available until the land on which the buildings provided for in this act are to stand shall be conveyed to the people of the state of New York by Cornell University, and the conveyance approved as to form and manner of execution by the attorney-general; the conveyance also to include, besides the land on which such buildings may be located and placed, a strip ten feet wide

around the same, with necessary right of way to the same. The university shall, during the pleasure of the state, have complete control over the land thus conveyed, and the buildings when erected thereon, for educational purposes, the same as though no conveyance had been made. If at any time any such building shall cease to be available to the university for the use for which it is hereby authorized to be constructed by reason of an act of the legislature abolishing the New York state college of agriculture or the New York state veterinary college, the land and building shall revert to Cornell University. But in that case such reversion to the university shall be conditioned upon the payment by the university to the state of the then duly appraised value of such building. And no item of the appropriation as specified above shall be available, except for necessary advertising and the preparation of plans, until a contract or contracts for the completion of the structure authorized to be erected, within the authorization, shall be made. The moneys hereby appropriated shall only be advanced to the trustees of Cornell University as the work progresses, or as the purchase of material is made, and upon bills duly certified, rendered and audited.

University to have control over land.

Reversion to university.

Moneys appropriated, when available.

Moneys, how advanced. compensation

University as agent of state.

§ 3. The moneys hereby appropriated shall be paid by the treasurer upon the warrant of the comptroller, upon vouchers approved by the commissioner of agriculture, to Cornell University, to be expended by it as agent of the state in pursuance of this act.

Plans and specifications.

The plans and specifications for the buildings herein provided shall be prepared or approved by the state architect, and he may, with the approval of the board of trustees of Cornell University, employ an architect or architects to prepare the plans and specifications and to locally supervise the work of construction herein provided. The compensation of the architect or architects so appointed shall be paid out of the funds for the respective buildings. All plans and specifications shall be subject to the approval of the commissioner of agriculture and the board of trustees of said Cornell University. The work under this act shall be done by contract, except work which in the opinion of the comptroller and state architect can be done in whole or in part more advantageously by the employment of labor and the purchase of material in the open market. All expenditures hereunder shall be made pursuant to estimates or pursuant to contract, the form of which shall be prescribed by the state architect. The estimates shall be made to the comptroller in the usual form, by the board of trustees of Cor-

Work to be done by contract or otherwise.

Expenditures, how made.

Estimates.

nell University. Where the work estimated for is upon drawings and specifications of the state architect, the estimate shall be subject to his approval also. All contracts in amount greater than one thousand dollars shall have the performance thereof secured by a sufficient bond or bonds, to be approved by and filed with the comptroller. In the case of any work which shall amount to less than one thousand dollars, covered by contract, no surety bond shall be required, providing payment is to be made only after the work has been satisfactorily completed. All payments on contracts shall be made on the certificate of the state architect and the voucher of the board of trustees of Cornell University, after audit of the state comptroller.

Contractors' bonds.

Payments, how made.

§ 4. The aggregate amount of the contract or contracts for the construction of a building for general class room and laboratory purposes and including an auditorium, in connection with the New York state college of agriculture at Cornell University, limited by chapter five hundred and thirty of the laws of nineteen hundred and ten to one hundred and thirteen thousand dollars, is hereby increased to one hundred and thirty-eight thousand dollars, and the board of trustees of Cornell University is hereby authorized to enter into such contract or contracts accordingly pursuant to the provisions of such act, as herein amended.

Amount for class room and laboratory purposes, and auditorium, increased.

§ 5. Nothing in this act shall be taken or construed to relieve Cornell University of any of its obligations to the state to provide for instruction in agriculture, veterinary science or otherwise.

University relieved of no obligations.

§ 6. This act shall take effect immediately.

Chap. 165.

AN ACT to amend chapter three hundred and fifty-seven of the laws of nineteen hundred and five, entitled "An act to revise the several acts relative to the city of Tonawanda," in respect to the powers of the board of public works.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 20a added to L. 1905, ch. 357.

Section 1. Title twenty of chapter three hundred and fifty-seven of the laws of nineteen hundred and five, entitled "An act to revise the several acts relative to the city of Tonawanda," is hereby amended by adding thereto a new section to be known as section twenty-a, which shall read as follows:

Contracts to furnish water to industrial plants.

§ 20-a. The board of public works may contract in the name of the city to furnish water to industrial plants within the city in quantities of five hundred gallons per day and upwards at a rate to be fixed by said board. No such contract shall be binding upon the city until the same shall have been approved by the common council.

§ 2. This act shall take effect immediately.

Chap. 166.

AN ACT to amend the highway law, in relation to a new state route to be improved by the state.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Subd. 43 added to L. 1909, ch. 30, § 130.

Section 1. Section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended by adding a new subdivision to be route forty-three,[1] to read as follows:

[1] Another subd. 43 is added by L. 1911, ch. 259, post.

Route 43. Beginning at Main street in the village of Mount Morris, running thence southwesterly along what is known as the state road to the village of Nunda, in Livingston county, thence along what is known as the Oakland-Portage road to Portage bridge and Letchworth park.

§ 2. This act shall take effect immediately.

Chap. 167.

AN ACT to amend the military law, in relation to the national guard of the state.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-two of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

L. 1909, ch. 41, § 32, as amended by L. 1910, ch. 370, amended.

§ 32. **Staff departments.** There shall be the following departments consisting of officers of number and rank hereinafter specified necessary for the staffs of the division, the brigades, and for duty with the several organizations of the national guard, as follows: An adjutant-general's department, consisting of two adjutants-general, lieutenant-colonels and four adjutants-general, majors; an inspector-general's department, consisting of three inspectors-general, lieutenant-colonels and five[1] inspectors-general, majors; a judge advocate-general's department, consisting of one judge advocate, lieutenant-colonel, and four judge advocates, majors; a quartermaster's department, consisting of one deputy quartermaster-general, lieutenant-colonel, and five[1] quartermasters, majors; a subsistence department, consisting of one deputy commissary-general, lieutenant-colonel, and four commissaries, majors; a paymaster's department, the duties of which shall be performed by the adjutant-general of the state and his assistants ex officio; an ordnance department, consisting of one lieutenant-colonel, five majors, fourteen captains, seventeen first lieutenants; a medical department to consist of the medical corps

[1] Formerly "four."

composed of one lieutenant-colonel, twenty-two majors, one hundred and twenty-one captains and first lieutenants, and the hospital corps, field hospitals and ambulance companies.

Upon the recommendation of the major-general the governor may appoint and commission such additional officers not above the rank herein prescribed as may be necessary to properly perform the duties of the departments hereby created.

There shall also be appointed fifty-nine[2] post quartermaster sergeants, thirteen[3] post commissary sergeants and twenty ordnance sergeants who shall belong respectively to the quartermaster's department, the subsistence department and the ordnance department.

The hospital corps shall consist of sergeants first class, sergeants, corporals, privates first class, and privates. There shall be enlisted in or assigned to the detachments of hospital corps with each regiment and each twelve companies of engineers and each coast artillery district one sergeant first class, four sergeants, five corporals, twenty privates first class, and privates; with each separate battalion and squadron one sergeant first class, two sergeants, six privates first class, and privates; with each separate troop and company of signal corps one corporal, three privates first class, and privates; with each separate battery of field artillery, one corporal, two privates first class, and privates; with each field hospital, three sergeants first class;[4] six sergeants and corporals, and forty-eight privates first class and privates; with each ambulance company two sergeants first class, seven sergeants and corporals, and seventy privates first class and privates.

The minimum enlisted strength of a field hospital shall be three sergeants first class, six sergeants, twenty-four privates first class, and privates.

The minimum enlisted strength of an ambulance company shall be two sergeants first class, seven sergeants, thirty-four privates first class, and privates.

Upon the recommendation of the major-general the governor may fix the number of noncommissioned officers, privates first class, and privates of the hospital corps and increase or decrease the number of departmental noncommissioned staff officers.

§ 2. This act shall take effect immediately.

[2] Formerly "fifty-three."
[3] Formerly "eight."
[4] Words "thirteen sergeants, fifty-seven privates first class, and forty-five privates," omitted. Remainder of sentence new.

Chap. 168.

AN ACT to amend chapter one hundred and fifty-three of the laws of nineteen hundred and five, entitled "An act to make the office of sheriff of Schenectady county a salaried office and regulating the management of said office," generally.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one, four, five and six of chapter one hundred and fifty-three of the laws of nineteen hundred and five, entitled "An act to make the office of sheriff of Schenectady county a salaried office and regulating the management of said office," are hereby amended to read, respectively, as follows:

L. 1905, ch. 153, §§ 1, 4-6 amended.

§ 1. After the expiration of the term of the office of the present sheriff of the county of Schenectady, and thereafter, the sheriff of the county of Schenectady shall receive as compensation for his services an annual salary of three thousand dollars[1] per annum, which salary shall not be increased or diminished during the term for which said sheriff shall have been elected or appointed. He shall also receive his fees and perquisites in all civil cases in which the same are to be paid by private persons and corporations, in full of all fees or other compensation from the county of Schenectady,[2] and he shall not receive from the county of Schenectady any fees, compensation or perquisites of any kind or nature whatsoever. The sheriff shall be entitled to use and occupy the residence, with light and heat for the same, now used and occupied by the sheriff of Schenectady county, or which may hereafter be erected for such purpose, without charge or expense. The board of supervisors shall also furnish and equip the sheriff's office in said building. The sheriff shall file annually with the board of supervisors a correct inventory of all property owned by the county of Schenectady in his office, jail and official residence.

Compensation of sheriff.

Residence.

Office.

Annual inventory of county property.

§ 4.[3] The sheriff shall appoint an under-sheriff and may appoint a jailer and such other attendants for the jail or prisoners as shall be authorized by the board of supervisors of said county,

Under-sheriff, jailer and other attendants.

[1] Formerly $3500.
[2] Words "and all actual expenses" omitted.
[3] Section materially amended.

Sheriff responsible for official acts. Compensation.

from time to time. The said sheriff shall be responsible for the official acts of the said under-sheriff, deputy sheriffs, jailer and attendants. The board of supervisors shall by resolution of said board fix the salary or compensation of the under-sheriff, jailer and other attendants for the jail or prisoners, which shall be paid monthly by the county treasurer and said under-sheriff, jailer and attendants shall receive no fees or additional remuneration from the county for any services rendered by them.

Deputy sheriffs. Compensation.

§ 5.[3] The sheriff may appoint such number of deputy sheriffs for said county as he shall deem necessary and may remove any of them at any time. The deputy sheriffs aforesaid shall have and receive as their sole compensation for all services rendered by them for the county, or the state of New York and the United States the fees now prescribed by law for like services.

Bond of sheriff.

§ 6. Each sheriff shall, within ten days after he shall have received notice of his election, or appointment, and before he shall have entered upon the discharge of the duties of his office, execute to the people of the state of New York, a joint and several bond. in the penal sum of ten thousand dollars, with two or more sufficient sureties, or a bond of a surety company duly authorized by the laws of this state to transact business therein, the premium for which shall be a county charge,[4] to be approved by the board of supervisors, as to form, manner of execution and sufficiency of sureties; the conditions thereof to be to the effect that such sheriff shall faithfully perform all the duties of his office according to law. And if any such sheriff shall neglect for thirty days to execute or file any such bond, according to the provisions of this act, his office shall thereupon become vacant. Such bond shall be filed with the clerk of the board of supervisors, and by said clerk delivered to the county clerk's office in said county of Schenectady, and recorded therein.

§§ 10, 11 repealed.

§ 2. Sections ten and eleven of such act are hereby repealed.

§ 3. This act shall take effect immediately.

[3] Section materially amended.

[4] Words "or a bond of a surety company . . . county charge," new.

Chap. 169.

AN ACT making an appropriation for the payment of indemnities for animals destroyed under the provisions of the agricultural law.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Seventy thousand dollars ($70,000), or so much thereof as may be necessary, is hereby appropriated for the commissioner of agriculture out of any moneys in the treasury not otherwise appropriated, to pay for animals destroyed by the commissioner of agriculture under the provisions of the agricultural law,[1] to be paid for as provided therein. Not more than thirty thousand dollars ($30,000) of this appropriation shall be used to pay for animals destroyed because they were believed to be suffering with the disease known as glanders.

§ 2. This act shall take effect immediately.

Chap. 170.

AN ACT to amend the forest, fish and game law, in relation to open season for pheasants in Erie county.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-six[2] of chapter twenty-four of the laws of nineteen hundred and nine, entitled "An act relating to the protection of the forests, fish and game of the state, constituting chapter nineteen of the consolidated laws," as amended by chapter six hundred and fifty-seven of the laws of nineteen hundred and ten, is hereby amended to read as follows:

L. 1909, ch. 24, § 96, as amended by L. 1910 ch. 657, amended.

§ 96. **Mongolian ring-necked and English or other pheasants.** There shall be no open season for Mongolian ring-necked, English

[1] L. 1909. ch. 9. See art. 5.

[2] Section 96 is further amended by L. 1911, ch. 627, post. See note to that chapter.

or other pheasants, nor shall the same be killed or possessed, except in the counties of Fulton, Livingston, Monroe, Ontario, Orleans, Wayne, Suffolk, Seneca, Niagara, Yates, Cayuga,[1] Genesee, Oswego, Wyoming and Dutchess, prior to October, nineteen hundred and fourteen; provided, however, that in the counties of Livingston, Monroe, Ontario, Orleans, Seneca, Niagara, Yates, Cayuga,[1] Genesee, Oswego, Wyoming and Wayne the cock or male of said pheasants may be taken on Thursdays and Saturdays in the month of October, and possessed during said month of October, but the burden of proof shall be on the possessor to show that the same were legally taken in accordance with the provisions of this section, and the said pheasants shall not be sold or offered for sale at any time, nor shall any person kill, take or possess more than three of said pheasants in any one year, and it is further provided that pheasants bred or purchased and liberated in Suffolk, Dutchess and Fulton counties, by the game clubs and private owners, may be possessed in Greater New York for consumption but not for sale. Mongolian ring-necked, English or other pheasants may be taken or possessed in the counties of Suffolk and Dutchess from November first to December thirty-first, and in Fulton county, from September sixteenth to November thirtieth, both inclusive. They shall not be taken or possessed at any other time. In nineteen hundred and fourteen, the open season in counties now closed shall be as it now is in Livingston county.

§ 2. This act shall take effect immediately.

Chap. 171.

AN ACT to amend the forest, fish and game law, in relation to the open season.

Became a law May 20, 1911, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909 ch. 24, § 240, subd. 14, as

Section 1. Subdivision fourteen of section two hundred and forty of chapter twenty-four of the laws of nineteen hundred and

[1] "Erie" omitted

nine, entitled "An act relating to the protection of the forests, fish and game of the state, constituting chapter nineteen of the consolidated laws," as amended by chapter four hundred and seventy-four of the laws of nineteen hundred and nine, and chapter two hundred and fifty-six of the laws of nineteen hundred and ten, is hereby amended to read as follows: amended by L. 1909, ch. 474 and L. 1910, ch. 256, amended.

14. "Open season" is the time during which fish, fowl, birds and quadrupeds may be taken. [1] If in accordance with the provisions of this chapter the open season commences or ends on Sunday, it shall be deemed to commence or end, as the case may be, on the Saturday immediately preceding such Sunday.

§ 2. This act shall take effect immediately.

Chap. 172.

AN ACT to amend the state charities law, in relation to the admission of patients to the New York state hospital for the care of crippled and deformed children.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirty-six of chapter fifty-seven of the laws of nineteen hundred and nine, entitled "An act relating to state charities, constituting chapter fifty-five of the consolidated laws," as renumbered by chapter two hundred and fifty-eight of the laws of nineteen hundred and nine, and chapter four hundred and forty-nine of the laws of nineteen hundred and ten, is hereby amended to read as follows: L. 1909, ch. 57, § 136, as renumbered by L. 1909, ch. 258 and L. 1910, ch. 449, amended.

§ 136. **Who may receive treatment.** No patient shall be received except upon application of a county superintendent of the poor or commissioner of charities in any county or city within the state,[2] under rules to be established by the board of managers, showing that the patient is unable to pay for private treatment.[3]

[1] Remainder of subdivision new.

[2] Section to here formerly read: "No patient shall be received except upon satisfactory proof made to the surgeon in chief by the next of kin, guardian or a state, town or county officer."

[3] Sentence "Such proof shall be by affidavit.", omitted.

If there was an attending physician before the patient entered the hospital, it shall be accompanied by the certificate of such physician giving previous history and condition of the patient.

§ 2. This act shall take effect immediately.

Chap. 173.

AN ACT to amend the code of civil procedure in relation to appointment of confidential stenographer and typewriter operator.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 328 amended.

Section 1. Section three hundred and twenty-eight of the code of civil procedure is hereby amended to read as follows:

Clerk, etc., of city court of New York.

§ 328.[1] The court has a clerk who is appointed, and may be removed, by the justices thereof, or a majority of them for cause upon charges and after a hearing after notice, and who shall receive a salary of six thousand dollars per annum. The justices of the court or a majority of them must appoint, and may remove, six deputy clerks and not more than eighteen assistants, [2] and a stenographer and typewriter operator for the purpose of copying their minutes and opinions and doing such other confidential work which may be required by said justices or the clerk of the court. The clerk is responsible for the faithful discharge of his duty by each deputy clerk, and each assistant [2]and the stenographer and typewriter operator. Each deputy clerk, each assistant, and the stenographer and typewriter operator,[3] is entitled to a salary, fixed and to be paid as prescribed by law.

§ 2. This act shall take effect immediately.

[1] The former section heading which read: "Clerk, deputy clerk, assistants, stenographers, interpreters and attendants," omitted.

[2] Remainder of sentence new.

[3] Words "and the stenographer and typewriter operator," new.

Chap. 174.

AN ACT to amend the prison law, in relation to jail liberties in Genesee county.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and fifty-seven of chapter forty-seven of the laws of nineteen hundred and nine, entitled "An act relating to prisons, constituting chapter forty-three of the consolidated laws," is hereby amended to read as follows: L. 1909 ch. 47, § 357 amended.

§ 357. **Jail liberties in certain counties.** The following are the liberties of the jail for each of the counties specified, to wit: For the county of New York, the whole of said county; for the county of Onondaga, the whole of the city of Syracuse; for the county of Monroe, the whole of the city of Rochester; for the county of Erie, the whole of the city of Buffalo; for the county of Dutchess, the whole of the city of Poughkeepsie; for the county of Kings, the whole of that county; for the county of Albany, the whole of the city of Albany; for the county of Jefferson, the whole of the city of Watertown; for the county of Herkimer, the whole of the village of Herkimer; for the county of Rensselaer, the whole of the city of Troy; for the county of Niagara, the whole of the city of Lockport; for the county of Steuben, the whole of the village of Bath; for the county of Nassau, the whole of the town of Hempstead; for the county of Broome, the whole of the city of Binghamton; [1]for the county of Genesee, the whole of the village of Batavia.

§ 2. This act shall take effect immediately.

[1] Remainder of section new.

Chap. 175.

AN ACT making an appropriation for the state's proportion of the amounts appropriated for the repair of highways, pursuant to sections ninety and ninety-three of the highway law, and to provide funds for complying with the requirements of sections one hundred and fifty-nine and one hundred and seventy-eight of the highway law.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one million seven hundred and ninety-five thousand two hundred and fifty-four dollars and twenty-seven cents ($1,795,254.27), is hereby appropriated from any moneys in the treasury not otherwise appropriated, payable by the treasurer on the warrant of the comptroller. Of the money hereby appropriated, the sum of one million six hundred and thirty thousand dollars, or so much thereof as may be necessary, shall be available for the purpose of paying the state's proportion of the amounts appropriated for the repair of highways pursuant to sections ninety and ninety-three of the highway law; the sum of eighty-seven thousand seven hundred and fifty dollars, or so much thereof as may be necessary shall be available for complying with the requirements of section one hundred and fifty-nine[1] of said law; and the sum of seventy-seven thousand five hundred and four dollars and twenty-seven cents, or so much thereof as may be necessary, shall be available for the purpose of paying the state's proportion of the amounts to be appropriated for the repair of county roads pursuant to section one hundred and seventy-eight[2] of said law.

§ 2. This act shall take effect immediately.

[1] As added by L. 1910, ch. 46.
[2] As amended by L. 1910, chaps. 165, 567, and L. 1911, ch. 362.

Chap. 176.

AN ACT to amend the insurance law, in relation to the admission of minors to membership in certain life or casualty insurance corporations.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article six of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," is hereby amended by adding thereto, at the end thereof, a new section, to be section two hundred and eighteen, to read as follows: § 218 added to L. 1909, ch. 33.

§ 218. **Admission of minors.** A corporation, association, organization or society transacting the business of life or casualty insurance, or both, upon the co-operative or assessment plan, and incorporated under or subject to this article, may provide by its by-laws for the admission of minors, over eighteen years of age to membership in such corporation, association, organization or society and may by such by-laws prescribe the conditions of such admission and the rights and obligations of minors as members; and no such minor shall by reason only of minority be deemed incompetent to become such member, to contract for insurance provided for by the certificate of membership, or other instrument showing such membership or fixing his privileges, to surrender such insurance or to give a valid discharge for any benefit accruing or for any money payable under the contract of insurance.

§ 2. This act shall take effect immediately.

Chap. 177.

AN ACT to amend chapter one hundred and forty-two of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, entitled 'An act to condense and amend the several acts relating to the village of Albion,' and the several acts amendatory thereof," in relation to the time of elections.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1879, ch. 142, tit. 2, § 6 amended.

Section 1. Section six of title two of chapter one hundred and forty-two of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, entitled 'An act to condense and amend the several acts relating to the village of Albion,' and the several acts amendatory thereof," is hereby amended to read as follows:

Election of village officers.

§ 6. The election of officers in such village shall be held annually on the last Tuesday of February[1] at such place as the board of trustees may direct. The polls of all elections shall be opened at nine o'clock in the forenoon, and shall be kept open without recess or adjournment until four o'clock in the afternoon, when they shall be finally closed, and the inspectors shall immediately canvass the votes, declare the result, and make a certificate thereof under their hands, which shall be recorded in the book of minutes of the board of trustees of said village.

§ 2. This act shall take effect immediately.

[1] Section to here formerly read: "The first election of officers under this act shall occur on the second Monday of April, eighteen hundred and seventy-nine, and thereafter elections shall be held annually on the first Tuesday of March in each year."

Chap. 178.

AN ACT to amend chapter five hundred and nine of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for the establishment of a botanic garden and arboretum on park lands in the city of Brooklyn and for the care of the same," generally.

Became a law May 20, 1911, with the approval of the Governor. Passed by a two-thirds vote.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1897, ch. 509, as amended by L. 1906, ch. 618, amended.

Section 1. Chapter five hundred and nine of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for the establishment of a botanic garden and arboretum on park lands in the city of Brooklyn and for the care of the same," as amended by chapter six hundred and eighteen of the laws of nineteen hundred and six, is hereby amended so as to read as follows:

Site for botanic garden and arboretum.

§ 1. The park commissioner of the city of New York, having jurisdiction of the boroughs of Brooklyn and Queens[1] is hereby authorized and required to set apart and appropriate all that portion of Prospect Park bounded northerly by the Eastern parkway, easterly by Washington avenue, southerly by the line formerly dividing the city of Brooklyn from the late town of Flatbush, and westerly by Flatbush avenue, excepting only such lands as have been reserved for the Prospect Hill reservoir, as have been leased to the Brooklyn Institute of Arts and Sciences,[2] for the establishing and maintaining thereon of a botanic garden and arboretum for the collection and culture of plants, flowers, shrubs and trees, the advancement of botanical science and knowledge, and the prosecution of original researches therein and in kindred subjects; for affording instruction in the same, and for the prosecution and exhibition of ornamental and decorative horticulture and gardening, and for the entertainment, recreation and instruction of the people.[3]

[1] Section to here formerly read: "The park commissioner of the city of Brooklyn."

[2] Words "and as have been set apart and designated by the mayor and park commissioner of the city of Brooklyn as a site for the Brooklyn public library," omitted.

[3] Words "and the said lands so set apart and appropriated shall be used for no other purposes than those authorized by this act," omitted.

Agreement with Brooklyn Institute of Arts and Sciences; conditions.

§ 2. Whenever the Brooklyn Institute of Arts and Sciences, incorporated by chapter one hundred and seventy-two of the laws of eighteen hundred and ninety, shall have raised or secured by private subscription the sum of fifty thousand dollars within one year from the passage of this act, the principal of which or the income thereof to be set apart and used by the said institute for the purchase of plants, flowers, shrubs and trees,[4] or for other purposes in connection with said botanic garden and[5] arboretum, the board of estimate and apportionment of the city of New York on the recommendation of the board of commissioners of public parks of the said city of New York is hereby authorized in its discretion to enter into an agreement on behalf of said city with the said Brooklyn Institute of Arts and Sciences for the establishing and maintaining by said institute of a botanic garden and arboretum upon such terms and conditions as may be agreed to, on any or all the lands mentioned in section one of this act, excepting thereout the lands designated as a site for a public library by chapter five hundred and fifty-three of the laws of nineteen hundred and five, and also excepting therefrom such lands as have been designated and set apart by the board of park commissioners and the board of estimate and apportionment of the said city of New York as a site for an astronomical observatory in pursuance of chapter six hundred and thirty-seven of the laws of nineteen hundred and six;[6] and on any of the lands lying between Washington avenue and Flatbush avenue acquired or that may hereafter be acquired[7] by the city of New York and bounded northerly by the line formerly dividing the old city of Brooklyn from the late town of Flatbush, easterly by Washington avenue and southerly and westerly by Flatbush avenue. The plans for the said botanic garden and arboretum shall be subject to the approval of the said board of park commissioners. And said board of commissioners is thereupon hereby authorized to construct and equip, upon the lands designated in said agreement and according to plans to be approved by them and by the trustees of said institute, suitable planthouses for the care and culture of tender or other plants, indigenous or exotic, and rooms for instruction in botany, the use of same upon completion to be transferred to said Brooklyn Institute of Arts and Sciences for the purposes stated in this

Lands excepted from site designated.

Plans.

Construction of permanent improvements authorized.

[4] Words "to be set out in," omitted.
[5] Formerly "or."
[6] Words "and also excepting therefrom . . . and six," new.
[7] Words "or that may hereafter be acquired," new.

act, and for the purpose of providing means therefor, and of providing means for grading, soil additions, and other permanent improvements in said garden and arboretum[8] it shall be the duty of the comptroller of the city of New York, upon being thereto requested by the said commissioners, and upon being authorized thereto by the board of estimate and apportionment and the board of aldermen of said city, to issue and sell corporate stock of the city of New York in the manner now provided by law.[9]

Issue of corporate stock of city authorized.

§ 3.[10] And the board of estimate and apportionment of the city of New York, on the recommendation of the board of park commissioners of said city of New York, is hereby authorized in its discretion from time to time to amend the agreement already authorized by chapter six hundred and eighteen of the laws of nineteen hundred and six or to enter into a supplementary agreement or supplementary agreements altering the boundaries of the said botanic garden and arboretum so as to include any portion of the lands now or hereafter reserved for the Prospect Hill reservoir which may be from time to time designated by the commissioner of water supply, gas and electricity, or his successor or successors, as no longer needed for reservoir purposes; and the board of estimate and apportionment of the city of New York is further authorized in its discretion to alter the boundary line between the lands leased by the city of New York to the Brooklyn Institute of Arts and Sciences as a site for a museum of arts and sciences and libraries and lands now leased or that may hereafter be leased by said city to said institute for the purposes of a botanic garden and arboretum as may be agreed to between the said board of estimate and apportionment and the said Brooklyn Institute of Arts and Sciences.

Alteration of boundaries of site authorized.

§ 4.[11] No intoxicating liquors shall be sold or allowed on the grounds set apart as above provided. For police purposes and for the maintenance of proper roads and walks, the said grounds shall remain subject at all times to the control of said board of commissioners of the department of parks; but otherwise, after the completion of said planthouses and rooms, and the construction of proper roads and walks therein by the department of parks, the said grounds and buildings shall be under the management and control of said Brooklyn Institute of Arts and Sciences. Said

Intoxicating liquors not to be sold.

Management and control.

[8] Words "and of providing means . . . and arboretum," new.
[9] Words "aggregating the sum of one hundred thousand dollars," omitted.
[10] Section 3 new.
[11] Formerly § 3.

Grounds to be open, when and to whom.

grounds shall be open and free to the public daily, including Sundays, subject to such restrictions only as to hours as the proper care, culture and preservation of the said garden may require; and its educational and scientific privileges shall be open to all alike, male and female, upon such necessary regulations, terms and conditions as shall be prescribed by the board of trustees of said institute and approved by said board of commissioners of the department of parks.

Annual appropriation for maintenance.

§ 5.[12] The board of estimate and apportionment and the board of aldermen of the city of New York on the making of an agreement as provided in paragraph two of this act, are hereby authorized on the recommendation of the said board of park commissioners, in their discretion, to appropriate annually a sum or sums of money for the care and maintenance by said institute of said botanic garden and arboretum and of the planthouses and rooms for instruction erected thereon.

§ 2. This act shall take effect immediately.

Chap. 179.

AN ACT to amend the highway law, in relation to the description of route thirty-two to be constructed or improved by the state.

Became a law May 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 30, § 120, subd. 32, as amended by L. 1910, ch. 648, amended.

Section 1. The description of route thirty-two in section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," as amended by chapter six hundred and forty-eight of the laws of nineteen hundred and ten, is hereby amended to read as follows:[1]

Route 32. Commencing at Lawrenceville in Saint Lawrence county, running thence northerly to North Lawrence, running thence westerly to Brasher Falls, running thence southwesterly to Winthrop, running thence northerly to Massena, running thence

[12] Formerly § 4.

[1] Subdivision materially amended.

northerly on the Town Line road between the towns of Massena and Louisville to the Saint Lawrence river road, running thence westerly and southwesterly on the Saint Lawrence river road to the village of Waddington, running thence westerly and southwesterly on the roads known as the Sucker Brook and Van Rensselaer roads to the end of the boulevard at the corporation line of the city of Ogdensburg.

§ 2. This act shall take effect immediately.

Chap. 180.

AN ACT to amend the code of civil procedure, in relation to the sale of real property pursuant to a judgment.

Became a law May 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve hundred and forty-two of the code of civil procedure is hereby amended to read as follows: § 1242 amended.

§ 1242. **Real property; how sold; effect of conveyance.** Except where special provision is otherwise made by law, real property adjudged to be sold must be sold in the county and borough[1] where it is situated, by the sheriff of the county or by a referee, appointed by the court for that purpose, who must execute a conveyance to the purchaser. If such real property is situated partly in one county or borough[2] and partly in another and is so circumstanced that a sale of the whole will be most beneficial to the parties, the court rendering judgment may direct in which county and borough[1] the whole of such real property shall be sold. The conveyance is effectual, to pass the right, title or interest of a party adjudged to be sold; but nothing contained in this section shall be deemed to repeal or modify the provisions of any law specially regulating the sale of real property under a judgment or decree of any court, in any particular county of the state.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

[1] Words "and borough" new.
[2] Words "or borough" new.

Chap. 181.

AN ACT to amend chapter one hundred and forty-nine of the laws of nineteen hundred and eight, entitled "An act to provide for the celebration of the tercentenary of the discovery of Lake Champlain, the appointment of a commission, prescribing its powers and duties and making an appropriation therefor," as amended by chapter forty-four of the laws of nineteen hundred and ten, relative to the powers and duties of said commission and extending the time for making its report to the legislature and reappropriating the unexpended balance of the appropriation made by chapter four hundred and thirty-three of the laws of nineteen hundred and nine.

Became a law May 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1908, ch. 149, § 4, as amended by L. 1910, ch. 44, amended.

Section 1. Section four of chapter one hundred and forty-nine of the laws of nineteen hundred and eight, entitled "An act to provide for the celebration of the tercentenary of the discovery of Lake Champlain, the appointment of a commission, prescribing its powers and duties and making an appropriation therefor," as amended by chapter forty-four of the laws of nineteen hundred and ten is hereby further amended to read as follows:

Payment of moneys.

§ 4. Moneys appropriated for the commission shall be paid by the treasurer on the warrant of the comptroller, issued upon a requisition signed by the president and secretary of the commission, accompanied by an estimate of the expense for the payment of which the money so drawn is to be applied, and vouchers for such expenditures shall be filed with the comptroller, who shall audit the same. Any unexpended balance of such appropriation, after payment of the expenses of said commission, and any moneys derived from the sale of any property held by such commission, as well as all funds paid into its treasury by public or private contributions for the erection of a permanent memorial to Samuel Champlain[1] in the valley of Lake Champlain, shall be aggregated and kept as a special fund to be known as the Samuel Champlain[1] memorial fund, to be used by said commission acting

Permanent memorials to Champlain.

[1] Formerly "Samuel de Champlain."

independently or in co-operation with the state of Vermont, the government of the United States, the dominion of Canada, the province of Quebec, and various patriotic societies, or any or either of them, in the erection of two suitable permanent memorials[2] to Samuel Champlain[1] at Crown Point and at Plattsburgh[3] in the valley of Lake Champlain. The commission shall keep an accurate record of all its proceedings and transactions, and shall submit to the legislature of nineteen hundred and twelve[4] a full and complete report thereof. Within thirty days thereafter the commission shall make a verified report to the comptroller of the disbursements made by it. It shall have no power or authority to contract for the expenditure of any sum in excess of the amount heretofore appropriated, except such funds as have actually been paid into its treasury by public or private contribution for the erection of a memorial as herein provided, and it shall keep an accurate account of the receipts and disbursements of such contributions, if any, and include the same in its report to the legislature.

Reports to legislature and comptroller.

Limitation of expenditures.

§ 2. The sum of twenty-five thousand, eight hundred and thirty-three and seventy-two one-hundredths dollars ($25,833.72), the unexpended balance of the appropriation for the Lake Champlain tercentenary commission made by chapter four hundred and thirty-three of the laws of nineteen hundred and nine is hereby reappropriated for the purposes mentioned in chapter one hundred and forty-nine of the laws of nineteen hundred and eight, as amended by chapter forty-four of the laws of nineteen hundred and ten, and as further amended by this act.

Reappropriation.

§ 3. This act shall take effect immediately.

[1] Formerly "Samuel de Champlain."
[2] Formerly "a suitable permanent memorial."
[3] Words "at Crown Point and at Plattsburgh," new.
[4] Formerly 1911.

Chap. 182.

AN ACT to amend the judiciary law, in relation to the appointment, duties and salary of an attendant in the supreme court in Nassau and Suffolk counties.

Became a law May 24, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 35, §§ 168, 349, 351 amended.

Section 1. Sections one hundred and sixty-eight, three hundred and forty-nine and three hundred and fifty-one of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," are hereby amended to read, respectively, as follows:

§ 168. **Power of supreme court justices in Kings, Queens, Richmond, Nassau and Suffolk[1] counties to appoint court officers.** The justices of the supreme court for the second judicial district residing in Kings county, or a majority of them; the justice or justices of the supreme court residing in Queens county, or a majority of them; the justice or justices of the supreme court residing in Richmond county, or a majority of them, may appoint, and at pleasure remove all attendants and messengers, and court officers in the supreme court in said counties; [2]the justice or justices of the supreme court residing in Nassau and Suffolk counties, respectively, or a majority of them, may appoint, and at pleasure remove, one attendant in the supreme court in each of said counties, respectively.

§ 349. **Duties of attendants and messengers of courts in Kings, Queens, Richmond, Nassau and Suffolk[1] counties.** Each of the persons appointed attendants or messengers of the supreme court or county court of Kings, Queens or Richmond counties as prescribed in sections one hundred and sixty-eight and two hundred of this chapter, must attend, from day to day, the terms and sittings, within their respective counties, of the court to which he is assigned, to preserve order, and perform whatever services may be required by him, by the judge presiding thereat; [2]the attendant or messenger of the supreme court in

[1] Inclusion of Nassau and Suffolk counties new.
[2] Remainder of section new.

Nassau and Suffolk counties, respectively, appointed as prescribed by section one hundred and sixty-eight of this chapter must attend, from day to day, the terms and sittings of said court to which he is assigned by the justice or justices by whom he was appointed; to preserve order and perform whatever services may be required of him by the judge presiding thereat; and shall attend at the chambers provided for the justices of said court in said county and perform such other duties thereat, in addition to his duties as court attendant, as may be prescribed by the justice or justices sitting therein.

§ 351.[3] **Salary of attendants of courts in Queens, Nassau and Suffolk**[1] **counties.** Each of the court attendants appointed for the supreme court or county court, in the county of Queens pursuant to sections one hundred and sixty-eight and two hundred of this chapter shall receive a salary of one thousand five hundred dollars per annum, except the chief attendant in each court in said county, who shall receive a salary of one thousand eight hundred dollars per annum, to be a county charge; [2]the court attendant appointed for the supreme court in the counties of Nassau or Suffolk, respectively, pursuant to section one hundred and sixty-eight of this chapter, shall receive a salary, to be fixed by the justice or justices appointing him, not to exceed fifteen hundred dollars per annum, to be a county charge.

§ 2. This act shall take effect immediately.

Chap. 183.

AN ACT to amend the insurance law, in relation to the assets and liabilities of casualty insurance corporations doing an employers' liability insurance business.

Became a law May 24, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-six of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to in- L. 1909, ch. 33, § 86 amended.

[1] Inclusion of Nassau and Suffolk counties new.
[2] Remainder of section new.
[3] Section 351 is again amended by L. 1911, ch. 566, post. See note to latter chapter.

surance corporations, constituting chapter twenty-eight of the consolidated laws," is hereby amended to read as follows:

§ 86. **Assets and liabilities of life and casualty insurance corporations; method of computation; procedure in case of impairment; reserve.**[1] 1. In estimating the condition of any life insurance corporation, under the provisions of this chapter, or in any examination made by him, or by an examiner appointed by him, the superintendent shall allow as assets only such investments as are authorized by the laws of this state, at the date of examination, and shall charge as liabilities, in addition to the capital stock, all outstanding indebtedness of the corporation, and the premium reserve on policies, and additions thereto in force computed according to the table of mortality and rate of interest prescribed in this article. Any assets or securities lawfully held or acquired for the satisfaction, reduction or guaranty of any indebtedness to the corporation shall be allowed as assets at their just value in the judgment of the superintendent, but the total assets, invested and otherwise, of every domestic life insurance corporation shall be held to be accumulations for the exclusive benefit of policyholders, and no payment to stockholders shall be made therefrom until all obligations to policyholders and creditors have been fully provided for, including the reserve required by section eighty-four[2] of this chapter to be determined by the superintendent of insurance. Whenever it shall appear to the said superintendent from the statement of any life insurance corporation made to the insurance department, or from an examination of the affairs of any such corporation, if a stock corporation, that its capital stock is impaired to the extent of fifty per centum thereof upon the basis of such reserve liability for policies and annuities in force as may be the standard used within this state at the time of ascertaining such impairment, it shall be the duty of said superintendent, if the corporation is organized under the laws of any other state or country, to revoke the certificate of authority issued to the agent or agents of such corporation, and cause a notice thereof to be published in the state paper for four weeks, and the agent or agents of such corporation are, after such notice, required to discontinue the issuing of any new policies. If the corporation so impaired is organized under the laws of this state, it shall be the duty of said superintendent to direct the officers thereof to require the stock-

[1] Section heading formerly read: "What shall be allowed as assets; impairment of capital stock."

[2] As amended by L. 1909, ch. 301, and L. 1910, ch. 616.

holders to make good in cash the amount of such deficiency within ninety days after the date of his requisition. And upon the failure of the stockholders to make good such deficiency within the time specified in such requisition, the corporation shall then be subject to the provisions of section twenty-one of this chapter. Provided, that any corporation organized under the laws of this state, whose capital is impaired as above fifty per centum, may by a vote of a majority of its directors at a meeting called for that purpose reduce its capital stock to an amount not less than one hundred thousand dollars; and the said directors are hereby empowered to issue new certificates of stock to the stockholders for the amount of the reduced capital, and require in return all certificates previously issued.

2. In estimating the condition of any casualty insurance corporation, under the provisions of this chapter, the superintendent shall allow as assets only such investments as are authorized by the existing laws of this state, at the date of its investigation; and shall charge as liabilities, in addition to the capital stock, all outstanding indebtedness of the corporation, and the premium reserve on policies in force, equal to the unearned portions of the gross premiums charged for covering the risks, computed on each respective risk from the date of the issuance of the policy. [3]The indebtedness for outstanding losses under insurance against loss or damage resulting from accident to or injuries suffered by an employee or other person and for which the insured is liable, and under insurance against loss from liability on account of the death of or injury to an employee not caused by the negligence of the employer, shall be determined as follows: Each corporation which writes policies covering any of the said kinds of insurance shall include in the annual statement required by section forty-four[4] of this chapter a schedule of its experience thereunder, in the United States and foreign countries in the case of corporations organized in the United States, and in the United States only in the case of corporations organized outside of the United States, giving each calendar year's experience separately, and crediting or charging each item to the year in which the policy to which it relates was written, as follows: (1) the earned premiums on all such policies written during the period of ten years immediately preceding the date as of which the

[3] Remainder of section materially changed.
[4] As amended by L. 1910, ch. 634.

statement is made, being the gross premiums on all such policies including excess and additional premiums and premiums in course of collection, less return premiums and premiums on canceled policies, and less the unearned premiums on policies in force as shown in such annual statement; (2) the amount of all payments of whatsoever nature made by reason or on account of injuries covered by such policies written during said period. This amount shall include medical and surgical attendance, payments to claimants, legal expenses, salaries and expenses of investigators, adjusters, and field men, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employees, home office expenses, and all other payments made on account of such injuries, whether such payments are allocated to specific claims or are unallocated; (3) the number of suits being defended at the date as of which the statement is made under policies written during said period, except suits in which liability is not dependent upon negligence of the insured, and a charge of seven hundred and fifty dollars for each suit; (4) the number of deaths for which the insured are liable without proof of negligence, covered by policies written during said period, and not paid for at the date as of which the statement is made and a charge of the amount necessary to pay for such deaths; (5) the number of unpaid claims at the date as of which the statement is made on account of nonfatal injuries for which the insured are liable without proof of negligence, covered by policies written during said period, and a charge equal to the present value of the estimated future payments; (6) the loss ratio determined from the foregoing as to each year separately using as the divisor the earned premiums shown in item (1) and as the dividend the amount of payments shown in item (2) plus the amounts charged in items (3), (4), and (5); (7) the number of suits being defended at the date as of which the statement is made under policies written more than ten years prior to such date, except suits in which liability is not dependent upon negligence of the insured; (8) the number of deaths for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to the date as of which the statement is made, and not paid for at such date; (9) the number of unpaid claims at the date as of which the statement is made on account of nonfatal injuries for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to

such date. All unallocated payments in item (2) made in a given calendar year subsequent to the first four years in which a corporation has been issuing such policies shall be distributed as follows: Thirty-five per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, ten per centum to the policies written in the second year preceding, ten per centum to the policies written in the third year preceding, and five per centum to the policies written in the fourth year preceding, and such payments made in the first four calendar years in which a corporation has been issuing such policies shall be distributed as follows: in the first calendar year one hundred per centum shall be charged to the policies written in that year, in the second calendar year fifty per centum shall be charged to policies written in that year and fifty per centum to the policies written in the preceding year, in the third calendar year forty per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, and twenty per centum to the policies written in the second year preceding, and in the fourth calendar year thirty-five per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, fifteen per centum to the policies written in the second year preceding, and ten per centum to the policies written in the third year preceding, and a schedule showing such distribution shall be included in such annual statement. Each such corporation shall be charged with indebtedness for outstanding losses upon such policies determined as follows: (10) for all suits being defended under policies written more than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, one thousand dollars for each suit; (11) for all suits being defended under policies written more than five years and less than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, seven hundred and fifty dollars for each suit; (12) for all deaths for which the insured are liable without proof of negligence, covered by policies written more than five years prior to the date as of which the statement is made, the amount necessary to pay for such deaths; (13) for all unpaid claims on account of nonfatal injuries for which the insured are liable without proof of negligence under

policies written more than five years prior to the date as of which the statement is made, the present value of the estimated future payments; (14) for the policies written in the five years immediately preceding the date as of which the statement is made an amount determined as follows: Multiply the earned premiums of each of such five years as shown in item (1) by the loss ratio ascertained as in item (6) on all the policies written in the first five years of the said ten-year period using as the divisor the sum of the earned premiums shown in item (1) for such first five years, and as the dividend the sum of the payments shown in item (2) for such first five years plus the sum of the charges in items (3), (4) and (5) for such first five years, but the ratio to be used shall in no event be less than fifty per centum at and after December thirty-first, nineteen hundred and eleven, nor less than fifty-one per centum at and after December thirty-first, nineteen hundred and twelve, nor less than fifty-two per centum at and after December thirty-first, nineteen hundred and thirteen, nor less than fifty-three per centum at and after December thirty-first, nineteen hundred and fourteen, nor less than fifty-four per centum at and after December thirty-first, nineteen hundred and fifteen, nor less than fifty-five per centum at and after December thirty-first, nineteen hundred and sixteen, and from the amount so ascertained in each of the last five years of said ten-year period deduct all payments made under policies written in the corresponding year as shown in item (2), and the remainder in the case of each year shall be deemed the indebtedness for that year, provided, however, that if the remainder in the case of any year of the first three years of the five years immediately preceding the date as of which the statement is made shall be less than the sum of the three following items for that year at that date — (a) the number of suits, except suits in which liability is not dependent upon negligence of the insured, being defended under policies written in that year and a charge of seven hundred and fifty dollars for each suit, (b) the amount necessary to pay for all deaths for which the insured are liable without proof of negligence, covered by policies written in that year, and (c) the present value of estimated unpaid claims on account of nonfatal injuries for which the insured are liable without proof of negligence, covered by policies written in that year — then the sum of said items (a), (b) and (c) shall be the indebtedness for that year. A corporation which has been issuing such policies for a period of less

than ten years shall nevertheless include in its annual statement, a schedule as hereinbefore required for the years in which it shall have issued such policies, and shall be charged with an indebtedness determined in the same manner, but in determining the indebtedness for policies written in the five years immediately preceding the date as of which the statement is made, the minimum ratio hereinbefore prescribed shall be used subject to the same deductions and provisions as in the case of corporations that have been issuing such policies for ten years or more.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect on the first day of July, nineteen hundred and eleven. In effect July 1, 1911.

Chap. 184.

AN ACT to revise the charter of the city of Watervliet.

Became a law May 24, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

THE REVISED CHARTER OF THE CITY OF WATERVLIET.

I. General provisions. (§§ 1–4.)
II. Officers and elections. (§§ 5–18.)
III. Common council. (§§ 25–40.)
IV. Mayor. (§§ 50–56.)
V. General provisions regarding officers and employees. (§§ 60–68.)
VI. Department of finance. (§§ 80–97.)
VII. Department of contract and supply. (§§ 100–104.)
VIII. Department of public works. (§§ 110–121.)
IX. Department of public safety. (§§ 125–137.)
X. Department of charities. (§§ 145–149.)
XI. Department of law. (§§ 155–163.)
XII. Department of education. (§§ 165–184.)
XIII. Department of health. (§§ 185–192.)
XIV. Department of judiciary — The city court. (§§ 200–244.)

XV. Department of water. (§§ 250–261.)
XVI. Assessments and taxes. (§§ 270–286.)
XVII. Local assessments. (§§ 290–318.)
XVIII. Miscellaneous provisions. (§§ 325–331.)

ARTICLE I.

GENERAL PROVISIONS.

Section 1. Corporate powers.
2. City boundaries.
3. Ward boundaries.
4. Definitions.

Section 1. **Corporate powers.** The citizens of the state of New York, from time to time inhabitants of the territory comprised within the boundaries of the city of Watervliet, shall continue to be a municipal corporation in perpetuity under the corporate name of "The City of Watervliet," and the same shall in that name be a body politic and corporate in fact and in law, with power of perpetual succession. The city shall have power:

1. To take, purchase, hold, lease, sell and convey such real and personal property as the purpose of the corporation may require.

2. To take by gift, grant, bequest and devise and hold real and personal estate absolutely or in trust for any public use including that of education, art, ornament, health, charity or amusement, for parks or gardens, or for the use or erection of statues, monuments, buildings or structures, upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said corporation and to provide for the proper administration of the same.

3. To make, have and use, and from time to time alter, a common seal.

4. To contract and be contracted with, to sue and be sued, to complain and defend and to institute, prosecute, maintain and defend any action or proceeding in any court.

5. To have and exercise all of the rights, privileges and jurisdiction essential to a proper exercise of its corporate functions, including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon such corporation.

6. To have and exercise all the rights, privileges, functions and powers now prescribed and exercised by it under existing or subsequent laws and not inconsistent with the provisions of this chapter.

§ 2. **City boundaries.** The city boundaries shall be those of the present city of Watervliet, in the county of Albany and state of New York, as follows: Commencing at a point in the Hudson river in the center line of the four hundred-foot channel as constructed by the United States government, at the intersection of the most southerly line of the former village of West Troy produced; thence along said southerly line of the said village produced, north fifty-nine degrees, thirty minutes west, about twelve hundred and thirty-two feet to the southeast corner of said village twenty-two hundred and ninety-two feet to the intersection of the present inner angle of the Erie canal; thence along the said inner angle of said canal, south forty-two degrees fifteen minutes west, one hundred and sixteen feet to the point of intersection with the southerly line of the John C. Schuyler farm produced; thence along said southerly line of said Schuyler farm north fifty-two degrees fifty minutes west, eight hundred and seventy and five-tenths feet, to a stake at the intersection of the center line of Quedar street produced; thence along said center line of said Quedar street, north twenty-nine degrees fifty-five minutes east, thirty-five hundred and fifteen feet, to a point on the southerly line of the United States arsenal wall; thence along the said United States arsenal wall north, forty-two degrees forty-five minutes west, nine hundred and sixty-one feet, to angle in wall; thence along said United States arsenal wall north, thirty-seven degrees forty-five minutes west, three hundred and seventy-four feet, to a point fifty-six feet westerly of the southwest corner of said wall; thence along the westerly bounds of the former village of West Troy, north forty-three degrees thirty-five minutes east, two hundred and forty-three feet to a field stone monument; thence north forty-one degrees thirty-five minutes east, four hundred and ninety-seven feet to a sand stone monument; thence north forty degrees ten minutes east, five hundred and forty-three feet to a sand stone monument; thence north thirty-four degrees fifty-five minutes east, sixty and seven-tenths feet to a sand stone monument; thence north thirty-two degrees forty-five minutes east, five hundred and seventy-five feet to angle; thence north twenty-seven degrees twenty minutes east, two hundred and seventy-eight and five-tenths feet

to angle; thence north forty-three degrees east, ninety-eight feet to angle; thence north forty degrees east, three hundred and eighty feet to angle; thence north thirty-five degrees forty minutes east, fifty-five feet to corner post; thence north sixty-seven degrees forty-five minutes west, three hundred and two feet to corner post; thence north sixteen degrees east, one hundred and forty-seven and five-tenths feet to corner post; thence north sixty-eight degrees fifty minutes west, ten hundred and ninety-two and five-tenths feet to post at angle; thence north fifty-eight degrees ten minutes west, thirteen hundred and fifteen feet to corner post; thence north ten degrees forty-five minutes east, one hundred and one feet to angle; thence north fourteen degrees east, seventeen hundred and eighty-four feet to angle; thence north three degrees forty-five minutes east, two hundred and fifty-nine feet to the original northwest corner of the former village of West Troy, eight hundred and three feet to corner post; thence south seventy-one degrees thirty minutes east, two hundred and thirty-eight feet to post at angle; thence south sixty-one degrees five minutes east, eight hundred and seventy-two feet to a point about fifty feet southerly of the center line of Dry River brook; thence along a line parallel to and distant fifty feet measured at right angles to the center line of said Dry River brook south three degrees fifteen minutes west, forty-eight feet to angle; thence along a line parallel to and distant fifty feet from the center line of said brook south twenty degrees thirty minutes east, two hundred and forty-four feet to angle; thence south sixty-two degrees fifty minutes east, one hundred and thirty-eight feet to a stone monument at the northeast corner of lands now or formerly owned by Doctor Walter Mott; thence south forty degrees east, one hundred and fifty-eight feet to a stone monument; thence south seventy-two degrees ten minutes east, two hundred and thirty-three feet to a point at the intersection of a line drawn parallel to and twenty-five feet distant from the easterly line of what is known as Lansing's lane; thence along said line in said lane north twenty-four degrees five minutes east, seven hundred and twenty-eight feet to angle at intersection of rear line of lots fronting on Twenty-fifth street; thence along said line of said lane north twenty-two degrees ten minutes east, six hundred and forty-five feet to a point opposite a marked post in lane fence; thence south sixty-six degrees fifty minutes east, ten hundred and fourteen feet to a stone monument on the west side of the Rensselaer and Saratoga railroad, twelve hundred and ten feet to a marked post at

angle; thence south sixty-six degrees forty-five minutes east, ten hundred and sixty-two feet to angle; thence south sixty-two degrees forty-five minutes east, four hundred and sixty-six feet to a stone monument on the west line of Third avenue; thence south forty-nine degrees thirty minutes east, two hundred and fifty-six feet to angle; thence south seventy-five degrees thirty minutes east, seventy-eight feet to a stone monument on the west side of Second avenue, five hundred and sixty-four feet to the center line of the Mohawk basin; thence along the said center line of said basin south, five degrees east, three hundred and fifty feet to angle; thence south seven degrees thirty minutes east, five hundred and twenty-four feet to angle; thence south three degrees thirty minutes east, three hundred and fifteen feet to angle; thence south sixty-eight degrees east, about six hundred and thirty-nine feet to the center line of the four hundred-foot channel in the Hudson river as heretofore constructed; thence down the said center line of the said four hundred-foot channel about ten thousand two hundred feet to the place of beginning.

§ 3. **Ward boundaries.** The city shall be divided into nine wards, bounded respectively as follows:

First ward. All that part of said city lying southerly of the center line of Sixth street and Sixth street produced.

Second ward. All that part of said city bounded on the south by the center line of Sixth street and Sixth street produced, and bounded on the north by the northerly line of the United States arsenal grounds.

Third ward. All that part of said city lying between the northerly line of the United States arsenal grounds and the center line of Fifteenth street, and bounded on the west by the center line of Third avenue.

Fourth ward. All that part of said city lying between the northerly line of the United States arsenal grounds and the center line of Fifteenth street, and bounded on the east by the center line of Third avenue.

Fifth ward. All that part of said city lying between the center lines of Fifteenth street and Nineteenth street, and bounded on the west by the center line of Fifth avenue.

Sixth ward. All that part of said city lying west of the center line of Fifth avenue, bounded on the south by the center line of Fifteenth street and the corporation line of said city, and on the north by the center line of Nineteenth street.

Seventh ward. All that part of said city lying north of the center line of Nineteenth street and bounded on the west by the center line of Third avenue.

Eighth ward. All that part of said city lying north of the center line of Nineteenth street, bounded on the east by the center of Third avenue, and on the west by the center line of Seventh avenue.

Ninth ward. All that part of said city lying north of the center line of Nineteenth street and west of the center line of Seventh avenue.

§ 4. **Definitions.** Unless otherwise stated, whenever used in this act:

1. "Person" includes a natural person, corporation, company, association, joint stock association, estate, firm and copartnership.

2. "Officer" includes all persons elected to office by the electors of the city or any division thereof; the heads of departments; the members of all boards and commissions appointed by the mayor and the city clerk.

3. "Employee" includes all persons other than an officer, as herein defined, whose salary or compensation is paid out of the city treasury.

4. "Street" includes avenue, road, alley, lane, highway, boulevard, concourse, driveway, bridge, tunnel, subway, parkway and every kind of public road, square and place.

5. The term "real property," as used in this act, includes all lands, land under water, the water of any river, pond or stream, all easements and hereditaments, corporeal and incorporeal, and every estate, interest and right, legal and equitable, in lands or water, or any privilege or easement therein, including terms for years and liens thereon by way of judgment, mortgage or otherwise, and all claims for damages to such real property.

6. The words "the board," "the department," "the court," "the commissioner," used in this chapter, mean the board, department, court or commissioner whose duties and powers are prescribed in this chapter.

7. The "fiscal year" of the city shall be the calendar year.

8. "Local improvement" includes the construction of curbs, gutters, sidewalks, drains, culverts and sewers, and the opening, extending, widening, grading and paving of streets.

ARTICLE II.

OFFICERS AND ELECTIONS.

Section 5. Officers enumerated.
6. Elective officers.
7. Appointive officers.
8. Qualifications.
9. Term of office of elective officers.
10. Term of office of appointive officers.
11. Certificate of appointment.
12. Official oath and undertaking.
13. Restrictions; officers not to be interested in contracts.
14. City elections.
15. Resignations.
16. Vacancies.
17. Fixed salaries.
18. Additional fees *for compensation not to be paid.

Section 5. **Officers enumerated.** The officers of the city shall be a mayor, a president of the common council, a city judge, a chamberlain, a city clerk, a corporation counsel, a city engineer, two assessors, four school commissioners, who shall be the members of the board of education, three supervisors, an alderman for each ward, one health officer and city physician, a superintendent of public schools, a commissioner of public works, a commissioner of public safety, a commissioner of charities, a sealer of weights and measures, a plumbing board consisting of five persons, one city marshal and three civil service commissioners, and so many commissioners of deeds as the board of aldermen shall deem necessary.

§ 6. **Elective officers.** There shall be elected by the qualified electors of the city, a mayor, president of the common council, judge of the city court, four school commissioners, and two assessors. There shall be elected by the qualified electors of each ward of the city an alderman. There shall be elected by the qualified electors of the first, second and third wards one supervisor, by the qualified electors of the fourth, fifth and sixth wards one supervisor and by the qualified electors of the seventh, eighth and ninth wards one supervisor.

* So in original.

There shall also be elected by the qualified electors of the city and of the wards thereof such other officers as may be provided by law.

§ 7. **Appointive officers.** There shall be appointed by the mayor, three civil service commissioners, a corporation counsel, city engineer, chamberlain, commissioner of public works, commissioner of public safety, commissioner of charities, two city marshals, a plumbing board of five persons as provided by the general city law,[1] and a sealer of weights and measures. Other officers may be appointed as provided in this chapter or otherwise by law. All appointments to any city office shall be evidenced by a certificate in writing, signed by the appointing officer and filed forthwith in the office of the city clerk. If an appointment be made by the common council such certificate shall be signed by the officer presiding at the time the appointment was made and attested by the city clerk.

§ 8. **Qualifications.** Every person elected or appointed to office must be an elector of the city, except the superintendent of schools and the city engineer. A person elected to the office of alderman must be an elector of the ward from which he is elected, and a person elected to the office of supervisor must be an elector in one of the wards from which he is elected, which wards shall constitute a supervisor's district. No person shall be eligible to the office of judge of the city court or of corporation counsel unless he has been admitted to practice as an attorney and counsellor in the supreme court of the state of New York, and has had at least three years' active practice of his profession. If an officer ceases to be a resident of the city, or if a supervisor ceases to be a resident of the supervisor's district or an alderman ceases to be a resident of the ward from which he is elected, his office thereupon shall become vacant. No person shall at any time hold more than one office in the city except as provided in this act; upon his acceptance of a second office, the first office shall become vacant.

§ 9. **Term of office of elective officers.** The term of office of an elective officer, unless elected to fill a vacancy then existing, shall commence on the first day of January next succeeding his election.

The term of office of the mayor, the president of the common council, the judge of the city court, the assessors, the aldermen and the supervisors shall be two years, and the term of office

[1] L. 1909, ch. 26, art. 4.

of the school commissioners shall be four years, except that the term of the mayor, the president of the common council, the judge of the city court, the assessors, and the aldermen who shall be elected at the general election which shall be held in the year nineteen hundred and twelve, shall be three years and the terms of two of the school commissioners, elected at said election, shall be three years, and the terms of the other two school commissioners shall be five years. The elective officers now in office except as hereinafter provided shall continue to hold their respective offices until and including the thirty-first day of December, nineteen hundred and twelve.

§ 10. **Term of office of appointive officers.** The term of each officer appointed by the mayor shall be as follows: The term of the chamberlain, the corporation counsel, the city engineer, the commissioner of public safety, the commissioner of public works, the commissioner of charities, the civil service commissioner, the sealer of weights and measures, the city marshals, shall be two years, unless sooner removed by the mayor, except that the terms of said officers who shall be appointed by the mayor who shall be elected in the year nineteen hundred and twelve shall be three years, unless sooner removed by the mayor. The term of the clerk of the common council shall be two years, except the clerk who shall be chosen by the common council elected in the year nineteen hundred twelve shall be three years. The term of office of each appointive officer shall begin on the day succeeding his appointment and qualification, unless a different date is specified in the certificate of appointment, or in this act. Where the term of office of an appointive officer is not specifically fixed by statute it shall be deemed to continue only during the pleasure of the officer, officers, board or body authorized to make the appointment. The appointive officers now in office shall continue as such officers until their successors shall be appointed and shall qualify; but for the purpose of appointing such successors their respective office shall be deemed to be vacant. Such vacancies shall be filled and such officers appointed by the mayor, officer or board authorized by this chapter to make original appointments, within thirty days after this chapter takes effect.

§ 11. **Certificate of appointment.** Every appointment to a city office must be made by a certificate in writing signed by the appointing officer or, if made by a board, by the presiding officer thereof, and filed in the office of the city clerk.

§ 12. **Official oath and undertaking.** Before entering upon his duties, any officer must take and file with the city clerk the constitutional oath of office.[2] No person elected or appointed to a city office shall enter upon or continue in the discharge of the duties of his office until he shall have executed and filed with the city clerk the official undertaking, if any, required to be given and the same shall have been approved as to its form and validity by the corporation counsel and as to the sufficiency of the sureties by the mayor. All such undertakings shall be recorded in the office of the city clerk. In addition to the city officers required in this chapter, or otherwise by law, to give official undertakings, the common council may require any other city officer to give an official undertaking in such penal sum and with such conditions and sureties as it shall direct and approve. It may also, in a proper case, require an undertaking of any officer in addition to that required by law. The mayor shall examine the sufficiency of the proposed sureties of any officer or person from whom an official undertaking is required and may require such sureties to be examined on oath as to their property qualifications and liabilities. The deposition of each surety shall be reduced to writing, subscribed by him, certified by the officer administering the oath and annexed to and filed with the undertaking. In case any city officer shall fail to file the required official undertaking, if an elective officer, within thirty days after receipt of his certificate of election, and if an appointive officer, within fifteen days after receipt of notice of his appointment, the office shall be deemed to be vacant and the vacancy shall be filled in the manner herein provided for the filling of a vacancy therein happening otherwise than by expiration of term. The official undertaking of a city officer shall not be a lien upon real estate owned by him or the sureties on such undertaking.

§ 13. **Restrictions; officers not to be interested in contracts.** No person shall, at the same time, hold more than one city office. Upon the acceptance by a city officer of a second office the office first held by him shall thereupon become vacant. No member of the common council or other officer or employee of the city, or person receiving a salary or compensation from funds appropriated by the city, shall be interested directly or indirectly in any contract to which the city is a party, either as principal, surety or otherwise; nor shall any such member of the common council, city

[2] See constitution, art. 13, § 1; public officers law (L. 1909, ch. 51), § 10.

officer or employee or person, or his partner, or any agent, servant or employee of such officer, employee or person or of the firm of which he is a partner, purchase from or sell to the city, or any officer thereof, any real or personal property for the use of the city, or any board or officer thereof, nor shall he be interested, directly or indirectly, in any work to be performed for, or services rendered to or for it, or in any sale to or from said city, or to any officer, board or person in its behalf. Any contract made in violation of any of these provisions shall be void. A person shall not be deemed to be interested in a contract, purchase or sale made by a corporation with, from or to the city solely by reason of the fact that he is a stockholder of such corporation. The term "city officer" as used herein, however, shall not be deemed to include a commissioner of deeds.

§ 14. **City elections.** The first election of city officers under this chapter shall be held on the Tuesday succeeding the first Monday in November, in the year nineteen hundred and twelve, the second election of city officers under this act shall be held on the Tuesday succeeding the first Monday in November in the year nineteen hundred and fifteen and thereafter, except to fill vacancies, in each succeeding odd-numbered year. All such elections shall be held at the same time and places as the general election held in such year, and shall be conducted in all respects in the same manner as general elections in cities are required to be conducted, and all the provisions of law relative to such elections shall be applicable to the election for officers of the city. In case of the failure to elect an elective city officer, except as otherwise provided herein, the office shall be deemed to be vacant for the purpose of choosing a successor and the vacancy shall be filled in the manner provided herein for the filling of a vacancy in such office happening otherwise than by expiration of term.

At the general election in the year nineteen hundred and twelve there shall be elected by the electors of the city a mayor, a president of the common council, a judge of the city court, two assessors, four school commissioners, and by the electors of each ward an alderman from each ward, all of whom shall hold office for the term of three years beginning January first next succeeding said election, except that two school commissioners shall be elected, at said election, for a term of three years and two school commissioners for a term of five years.

At the general election in the year nineteen hundred and fifteen

and each alternate year thereafter there shall be elected by the electors of the city a mayor, a president of the common council, a judge of the city court, two assessors, and two school commissioners; by the electors of each ward, an alderman from each ward; by the electors of the first, second and third wards, a supervisor; by the electors of the fourth, fifth and sixth wards, a supervisor; and by the electors of the seventh, eighth and ninth wards, a supervisor.

§ 15. **Resignations.** Resignations of elective officers must be presented to the mayor, and of all other officers to the appointing board or officer, and such resignations must thereupon be filed in the office of the city clerk.

§ 16. **Vacancies.** If a vacancy shall occur, otherwise than by expiration of term, in any elective office of the city, the common council shall appoint a person to fill such vacancy until the end of the official year in which said vacancy occurs, except as herein otherwise provided. If the term of office of the officer vacating his office continues beyond the official year in which such vacancy occurs, a person shall be elected at the next annual city election after the occurring of such vacancy to fill such vacancy for the remainder of the unexpired term, except as herein otherwise provided. If a vacancy shall occur in an appointive office of the city, otherwise than by expiration of term, the office, officers, board or body authorized to make appointment to office for the full term shall appoint a person to fill such vacancy for the balance of the unexpired term.

§ 17. **Fixed salaries.** The annual salary of the mayor shall be one thousand two hundred dollars; of the judge of the city court fifteen hundred dollars; of the chamberlain sixteen hundred dollars; of the corporation counsel twelve hundred dollars; of the city clerk twelve hundred dollars; of the city engineer seven hundred and fifty dollars; of the commissioner of public safety nine hundred dollars; of the commissioner of public works nine hundred dollars; of the commissioner of charities six hundred dollars; of each of the assessors five hundred dollars; of the superintendent of public schools such amount as shall be fixed by the board of education, not exceeding two thousand dollars. All of said salaries shall be payable in monthly installments. The supervisors shall be entitled to the same compensation for services as supervisors of towns are entitled to for like services.

The salary of every city officer and the salary or compensation

of every person paid out of funds appropriated by the city, when not specifically fixed by statute, shall be fixed and determined by the board of estimate and apportionment. All such salaries and compensation shall be payable in such installments and at such times as such board shall determine.

§ 18. **Additional fees or compensation not to be paid.** The compensation fixed by this act or by general law for the several officers shall be in full for all services which they shall respectively perform in any and all capacities. No officer of the city, except a marshal of the city court, commissioners of deeds and city officers acting as commissioners of deeds, shall have or receive to his use any perquisites, compensation or fees for services pertaining directly or indirectly, or which may hereafter be added to the duties of his office, in addition to his salary; and all perquisites, compensation and fees paid to and received by any such officer for services pertaining directly or indirectly, or which may hereafter be added to the duties of his office, other than his salary received from the city, shall be the property of the city, and shall be paid by the officer receiving the same into the city treasury. The compensation of all the officers, clerks and subordinates in the several departments shall not exceed in the aggregate the appropriation made by the board of estimate and apportionment for that purpose.

ARTICLE III.

COMMON COUNCIL.

Section 25. Legislative power.
26. Members; president; organization of council.
27. City clerk.
28. Meetings.
29. Powers.
30. Legislative acts.
31. Appropriations.
32. Disposition of real estate; franchise.
33. Procedure after passage of ordinance.
34. Record of ordinances.
35. Regulations of duties of officers.
36. Executive functions; how performed.
37. Penalties for violation of ordinances.
38. Designation of official papers; official printing.
39. Penalties.
40. Examining committees.

Section 25. **Legislative power.** The legislative power of the city is vested in the common council thereof, and it has authority to enact ordinances, not inconsistent with law, for the government of the city and the management of its business, for the preservation of good order, peace and health, for the safety and welfare of its inhabitants and the protection and security of their property; and its authority, except as otherwise provided in this chapter, or by law, is legislative only.

§ 26. **Members; president; organization of council.** The aldermen of the city shall constitute the common council thereof. The members of the common council shall meet in the rooms provided for the purpose at eight o'clock in the evening, on the second day of January after their election, or if that be Sunday, then on the next day, and organize. The president shall preside at all meetings and discharge such other duties as may be defined by ordinance of the common council and otherwise by law. The common council may at any regular meeting elect one of its members president pro tempore to act during the temporary absence or disability of the president and who shall be the president of the common council in case of a permanent vacancy in that office. Until such permanent vacancy shall be filled, the mayor shall preside over the meetings of the common council. Until such a vacancy is filled the common council shall transact no business except to adjourn from time to time. The president may vote like other members of the common council upon all resolutions and ordinances submitted to the body for its action in case of a tie vote, and when a member of the common council is elected president he shall be entitled to vote as a member of the common council. The president of the common council shall have the power of commissioner of deeds.

§ 27. **City clerk.** The common council shall choose a clerk to hold office during the term for which its members were elected, unless sooner removed by a vote of three-fourths of all the members of the common council. He shall be the city clerk and shall attend the meetings of the common council, keep a journal of its proceedings and discharge such other duties as may be prescribed by law or ordinance. In case of the absence or disability of the city clerk or a vacancy in the office, the common council may appoint a deputy city clerk, who shall discharge the duties of the office until the city clerk returns, his disability ceases or the vacancy is filled. It shall be the duty of the said clerk to transmit

to the head of each department and the clerk of each board copies of all ordinances in any manner affecting any of the matters of which any such department or board shall have jurisdiction. He shall have the custody of the city seal. Said clerk and deputy clerk shall each have the power of a commissioner of deeds.

§ 28. **Meetings.** The common council shall hold regular meetings at times to be determined by it from time to time. The mayor, the president of the common council, or a majority of its members, may call a special meeting of the common council by causing a written notice thereof, specifying the objects of the meeting, to be served by the city clerk upon each member personally or by mail, directed to his place of residence or place of business, at least twenty-four hours before the time fixed for such meeting.

§ 29. **Powers.** The common council shall determine the rules of its own proceedings and be the judge of the election, returns and qualifications of its members. Its meetings shall be public and its records open to public inspection, and a majority of all its members shall constitute a quorum to do business. The common council may compel the attendance of absent members at any meeting properly called, and may punish or expel a member for disorderly conduct, for a violation of its rules or for official misconduct, or declare his seat vacant by reason of absence, provided such absence has continued for the space of two months; but no expulsion shall take place and no vacancy on account of absence be declared except by the vote of three-fourths of all the members of the common council, nor until the delinquent member has had an opportunity to be heard in his defense. All appointments or designations made by the common council shall be determined upon a vote taken by a roll call of its members, and a statement of the choice of each member or the yeas and nays, if any, shall be entered upon the journal.

§ 30. **Legislative acts.** All the legislative acts of the common council shall be by ordinances, and on the passage of every ordinance, the yeas and nays of the members voting thereon shall be entered in full upon the journal. The passage of an ordinance shall require the affirmative vote of at least a majority of all the members of the common council. No ordinance shall be passed by the common council on the same day in which it is introduced, except by unanimous consent.

§ 31. **Appropriations.** No appropriation of money shall be

made for any purpose except by ordinance specifying each item, the amount thereof, and the department or specific purpose for which the appropriation is made.

§ 32. **Disposition of real estate; franchise.** No ordinance shall be passed making or authorizing a sale or lease of city real estate or of any franchise belonging to or under the control of the city, except by vote of three-fourths of all the members of the common council. In case of a proposed sale or lease of real estate or of a franchise, the ordinance must provide for a disposition of the same at public auction to the highest bidder, under proper regulations as to the giving of security and after public notice to be published once each week for three weeks in the official paper or papers. A sale or lease of real estate or a franchise shall not be valid or take effect unless made as aforesaid and subsequently approved by a resolution of the board of estimate and apportionment. No franchise shall be granted or be operated for a period longer than fifty years. The common council may, however, grant to the owner or lessees of an existing franchise, under which operations are being actually carried on, such additional rights or extensions in the street or streets in which the said franchise exists, upon such terms as the interests of the city may require, with or without an advertisement, as the common council may determine; provided, however, that no such grant shall be operative unless approved by the board of estimate and apportionment, and also by the mayor.

§ 33. **Procedure after passage of ordinance.** Every ordinance of the common council shall immediately after its passage be separately engrossed and signed by the president and attested by the clerk. The clerk shall thereupon present the same to the mayor. If the mayor approve it he shall sign it and return it to the clerk, and the ordinance shall thereupon take effect. If he disapprove it, he shall return it to the clerk with his objections stated in writing, and the clerk shall present the same with such objections to the common council at its next regular meeting. The common council may, within thirty days thereafter, reconsider the same; if, after such reconsideration, three-fourths of all the members of the common council shall vote to pass the ordinance the same shall take effect notwithstanding the objections of the mayor, unless a greater number of members were necessary according to the provisions of this chapter for the original passage of the ordinance, in which case unless as many members as were requisite

for the original passage of the ordinance shall vote to pass the ordinance it shall not take effect. If any ordinance shall not be returned by the mayor to the clerk within ten days after it shall have been presented to him, or if such ordinance shall be returned within such period without the mayor's approval or disapproval, the same shall take effect in like manner as if the mayor had approved and signed it. If any ordinance presented to the mayor contains several items of appropriation of money or embraces more than one distinct subject, the mayor may approve the provisions relating to one or more items or one or more subjects and disapprove the others. In such case those items or subjects which he shall approve shall take effect and he shall append to the ordinance at the time of signing it a statement of the items or subjects which he disapproves and said items or subjects so disapproved shall not take effect. He shall return to the clerk a copy of such statement and the items or subjects disapproved may be separately reconsidered by the common council and shall only become effective if again passed by it as above provided. All the provisions of this section in relation to ordinances disapproved by the mayor shall apply in cases in which he shall disapprove any item or subject contained in an ordinance appropriating money or embracing more than one distinct subject.

§ 34. **Record of ordinances.** Every ordinance shall, upon its taking effect as herein provided, be recorded in a book kept for that purpose by the clerk. Such records shall include the signature of the president, attestation of the clerk and the mayor's written approval, or in case of his disapproval a memorandum of its passage over his veto; or in case the ordinance took effect because he failed to approve or disapprove and return within ten days, then a memorandum to that effect. Such record or a certified copy thereof shall be presumptive evidence of the passage of the ordinance and of the facts certified. The original engrossed ordinances for each year shall be bound together and kept in the custody of the clerk.

§ 35. **Regulations of duties of officers.** The common council may, by ordinance passed by three-fourths of all its members, not inconsistent with this chapter, or other laws of the state, regulate the powers and duties of any city officer or department; and it has power to investigate all city officers and departments and shall have access to all records and papers kept by every city officer or department, and has power to compel the attendance of

witnesses and the production of books, papers or other evidence at any meeting of the common council or of any committee thereof, and for that purpose may issue subpœnas signed by the president.

§ 36. **Executive functions; how performed.** Whenever an executive or administrative function is by law or ordinance of the common council required to be performed, the same shall be performed by the proper executive or administrative officer or department, designated in the law or ordinance, and in case no such designation be thus made the mayor shall make the same, but no ordinance shall be passed interfering with the exercise of the executive functions of the officers, departments and boards of the city, as provided in this chapter or otherwise by law.

§ 37. **Penalties for violation of ordinances.** Any person violating an ordinance of the common council shall be guilty of a misdemeanor and the common council may provide therein or by general ordinance, that any person guilty of such violation shall be liable to fine which shall not exceed one hundred and fifty dollars in amount, or to imprisonment not exceeding one hundred and fifty days, or to both such fine and imprisonment, or such ordinance may provide for a penalty, not exceeding five hundred dollars, to be recovered by the city in a civil action. The city may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any ordinance of the common council or of the commissioner of public safety, notwithstanding that the ordinance may provide a penalty for such violation.

§ 38. **Designation of official papers; official printing.** At the first meeting of the common council for the purpose of organization, as provided herein, it shall designate not more than one newspaper published in the city to be the official paper of the city, and the paper receiving the highest number of votes shall be the official paper for two years and until a successor is designated. Such official paper shall publish such matters and in such form as shall be prescribed by statute or otherwise by general ordinance of the common council. In case an official paper shall refuse or fail to act or perform as such, the common council may in its discretion, as hereinbefore provided, designate a successor. All bids and accounts for publication in official newspapers and all city printing and advertising shall be a city charge. The common council may, by general ordinance, prescribe the form in which the proceedings and reports of the city officers, boards and de-

partments shall be issued, and the printing and binding of the same shall be performed under contract awarded as in the case of other city contracts. In case there be no newspaper published in the city of Watervliet, the common council shall designate, as hereinbefore provided, a newspaper published in the county of Albany, as the official paper of the city.

§ 39. **Penalties.** Any member of the common council who shall knowingly or unlawfully disregard any provision of law applicable to the members thereof, or who shall vote for any ordinance or measure in violation of law, or any appropriation unauthorized by law or in excess of the amount authorized by law, or for any illegal or injurious disposition of corporate property, rights or privileges, shall be guilty of a misdemeanor and liable to the punishment and penalty prescribed therefor, and every member voting in favor thereof shall be individually liable to refund the amount to the city at the suit of any taxpayer.

§ 40. **Examining committees.** The council may at any time appoint a special committee of its members to inquire whether the laws and ordinances relating to any matter or any department of the city are being faithfully observed, and whether the duties of the officers and employees are being faithfully discharged, and to examine and report whether there are any unnecessary, inefficient or unfit employees, or excessive salaries, wages or compensation paid, and to inquire generally in respect to any and all matters which will conduce to the orderly and economical administration of the business of the city. Such committee shall have access to the records of the city, and for the purpose of any such inquiry shall have the powers conferred upon an officer, person, board or committee by sections eight hundred and forty-three and eight hundred and fifty-four of the code of civil procedure.

ARTICLE IV.

MAYOR.

Section 50. Executive power.
51. Acting mayor.
52. Consultation with heads of departments.
53. Duties of mayor.
54. Execution of deeds and contracts.
55. Examination of books and accounts.
56. Additional powers and duties.

§ 50. **Executive power.** The executive power of the city is vested in the mayor, and in such executive officers and departments as are or may be created by law, or by ordinance of the common council.

§ 51. **Acting mayor.** Whenever there shall be a vacancy in the office of mayor, or whenever by reason of sickness or absence from the city the mayor shall be prevented from attending to the duties of the office, the president of the common council shall act as mayor and possess all the rights of mayor during such period of disability or absence. In case of a vacancy in the office of mayor he shall so act until noon of the first day of January next succeeding the election at which the mayor's successor shall be chosen. It shall not be lawful for the president of the common council when acting as mayor in consequence of the absence or sickness of the mayor to exercise any power of appointment or removal from office unless such sickness or absence shall have continued for a period of thirty days; or to sign, approve or disapprove any ordinance or resolution unless such sickness or absence shall have continued for a period of at least nine days.

§ 52. **Consultation with heads of departments.** The mayor shall call together the heads of the city departments for consultation and advice upon the affairs of the city as often as he may deem advisable, but not less than twelve times in each year; and at such meetings he may call upon the heads of the departments for such reports as to the subject-matters under their control and management as he may deem proper, which it shall be their duty to prepare and submit at once to him. Records shall be kept of such meetings, and rules and regulations shall be adopted thereat for the harmonious, systematic and efficient administration of the affairs of the city, not inconsistent with law or ordinance.

§ 53. **Duties of mayor.** It shall be the duty of the mayor to see that the city officers and departments faithfully perform their duties; to maintain peace and good order within the city; to take care that the laws of the state and the ordinances of the common council are executed and enforced within the city; to communicate by written message to the common council at least once a year a statement of the finances and general conditions of the affairs of the city, and with such recommendations in relation thereto as he may deem proper; to give such information in relation to the same as the common council may from time

to time require; and to call a special meeting of the common council whenever in his judgment it is required by public necessity. He shall also receive and examine into all complaints made against any city officer for neglect of duty or malfeasance in office.

§ 54. **Execution of deeds and contracts.** The mayor shall, on behalf of the city, execute all deeds and contracts made by it, and shall cause to be affixed thereto the city seal.

§ 55. **Examination of books and accounts.** The mayor shall have authority at all times to examine the books and papers of any officer, employee or department of the city and, as often as he may deem proper, to appoint one or more competent persons to examine, without notice, the accounts of any city officer or department, and the money, securities and property belonging to the city in the possession or charge of any officer or department and to report the result of such examination; and he may administer oaths to witnesses and take affidavits in all cases relating to the affairs of the city.

§ 56. **Additional powers and duties.** The mayor shall have such other powers and perform such other duties as may be prescribed in this chapter or by other laws of the state or by ordinance of the common council, not inconsistent with law. In case of riot, conflagration or other public emergency requiring it, the mayor shall have power to call out the police and firemen; he shall also have power to appoint such number of special policemen as he may deem necessary to preserve the public peace. Such special policemen shall be under the sole control of the regularly appointed and constituted officers of the police department. They shall have power to make arrests only for public intoxication, disorderly conduct or other offenses against peace and good order. In case of riot or insurrection, he may take command of the whole police force, including the chief executive officer thereof.

ARTICLE V.

GENERAL PROVISIONS REGARDING OFFICERS AND EMPLOYEES.

Section 60. Penalty for violation of duty.
61. Elective officers removable by the governor.
62. Removal of appointive officers.
63. Removed officer not eligible for re-election or appointment.

Section 64. Appointee to be a member of same political party as predecessor.
65. Removal of employees.
66. Office hours.
67. Officers, trustees of public property.
68. Annual reports of departments.

§ 60. **Penalty for violation of duty.** Any officer or employee who willfully violates or evades any provision of law, or by culpable neglect of duty allows any public property to be lost to the city, shall be deemed guilty of a misdemeanor and, in addition to the penalties imposed by law, shall on conviction forfeit his office or employment.

§ 61. **Elective officers removable by the governor.** Any elective officer may be removed by the governor in the same manner as a sheriff, except that the governor may direct the inquiry provided by law to be conducted by the attorney-general. After charges have been received by the governor, he may suspend the officer affected thereby for a period not exceeding sixty days pending the investigation.

§ 62. **Removal of appointive officers.** Except as otherwise provided in this act the mayor may remove any appointive officer in the following manner: The mayor shall serve written charges upon the officer and shall give him a hearing at which all the testimony in the matter shall be taken under oath and reduced to writing. If in the judgment of the mayor such testimony is sufficient to warrant the removal of the officer, the mayor may remove the officer and shall file all the evidence together with his written detailed reasons for the removal, signed by him, in the office of the city clerk.

§ 63. **Removed officer not eligible for re-election or appointment.** No elective officer who has been removed from office under any provision of this act shall be eligible for election or appointment to fill the vacancy caused by his removal.

§ 64. **Appointee to be a member of same political party as predecessor.** In case of a vacancy from any cause in any elective office, the person appointed to fill such vacancy until a successor is elected shall be a member of the same political party as the last incumbent of the office.

§ 65. **Removal of employees.** Except as otherwise provided in this act, any board or officer may appoint, suspend without notice

and in the manner herein prescribed remove for cause any employee of their or his department or office, but all appointments shall be made from the first three upon the lists of qualified persons which shall be furnished by the municipal civil service commission. In the case of a desired removal, the board or officer shall serve written charges on the employee and shall give him a hearing, at which all the testimony in the matter shall be taken under oath and reduced to writing. If, in the judgment of the board or officer, such testimony is sufficient to warrant the removal of the employee, the board or officer may remove the employee and shall forthwith file in the office of the city clerk the testimony together with written detailed reasons for the removal signed by a majority of the board or by the officer. The provisions of the section shall not apply to laborers. Nothing herein contained shall be construed to limit or amend the civil service laws of the state.

§ 66. **Office hours.** Unless otherwise provided by law, the city offices shall be kept open for the transaction of business each day in the year, Sundays and legal holidays excepted, from nine o'clock in the forenoon until four o'clock in the afternoon. The common council may from time to time direct any city office to be kept open at such other hours as public *conveyance may require.

§ 67. **Officers, trustees of public property.** The common council and the several members thereof, and all officers and employees of the city are hereby declared trustees of the property, funds and effects of said city respectively, so far as such property, funds and effects are or may be committed to their management or control, and every taxpayer residing in said city is hereby declared to be a cestui que trust in respect to the said property, funds and effects respectively; and any cotrustee or any cestui que trust shall be entitled as against said trustees and in regard to said property, funds and effects to all the rules, remedies and privileges provided by law for any cotrustee or cestui que trust; to prosecute and maintain an action to prevent waste and injury to any property, funds and estate held in trust; and such trustees are hereby made subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the city or by any cotrustee or cestui que trust aforesaid. The remedies herein provided shall be in addition to those now provided by law.

* So in original.

§ 68. **Annual reports of departments.** The several heads of departments shall present to the mayor annually, on or before the first Monday of December, a report of their proceedings during the preceding year. The mayor shall transmit the same to the common council with any recommendation he may think proper to make, but nothing in this section contained shall be construed to relieve such heads of departments from furnishing such other information as may be required by the mayor at any time.

ARTICLE VI.

DEPARTMENT OF FINANCE.

Section 80. Temporary and funded debts.
81. Issue and sale of bonds.
82. Chamberlain and acting chamberlain.
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90. Fiscal year; department estimates.
91. Determination of positions and salaries.
92. Annual estimate.
93. Annual appropriations.
94. Tax budget.
95. Temporary loans.
96. Contracts and expenditures prohibited.
97. Penalties for violation of preceding section.

Section 80. **Temporary and funded debts.** Temporary and funded debts of the city for the various purposes authorized or contemplated by this chapter and otherwise by law may be created by ordinance of the common council, provided, however, that any such ordinance shall, before it take effect, be submitted to and approved by the board of estimate and apportionment. Funded debts may be created for any municipal purpose. The creation of funded and temporary debts and the refunding of existing debts shall be subject to the provisions of the general municipal law, except as otherwise herein provided. Every funded debt, refunded or created, except to provide for the supply of water, shall

be issued in such amounts and shall fall due at such times that the principal of the same shall be fully paid in not more than twenty equal annual installments, the last of which shall become due at the end of not more than twenty years after its issue. Every funded debt refunded or created to provide for the supply of water shall be issued in such amounts and shall fall due at such times that the principal of the same shall be fully paid in not more than forty equal installments, the last of which shall become due at the end of not more than forty years after its issue. Any bond of the city issued prior to the year nineteen hundred and seven and also the bonds issued by the former village of West Troy may be refunded. No other funded debt which is payable in installments, nor any annual payment thereof, shall be refunded, but provision shall be made for the payment of each installment and accrued interest in the year in which it shall become due by the insertion of the proper sum in the annual estimate for the year in question.

§ 81. **Issue and sale of bonds.** All bonds of the city for whatever purposes issued shall be advertised and sold by the chamberlain. He shall cause to be published once in the official paper, and in a daily paper, to be designated by the common council, for not less than five successive days, Sundays excepted, a notice containing a description of the bonds to be sold, the manner and place of sale and the time when the same shall be sold, or the time limited for the receipt of sealed proposals, which shall not be less than ten days from the first publication of said notice. When bonds are sold under sealed proposals, no proposal shall be opened until one hour after the time limited for the receipt thereof has elapsed, and all proposals shall be opened in public. Award shall be made to the highest bidder. At any sale of bonds either by auction or under sealed proposals, the chamberlain may reject all bids and readvertise if in his opinion the price offered is inadequate. All bonds shall be signed in the name of the city, by the mayor and the chamberlain. A list of all bonds issued by the city shall be kept in the chamberlain's office and when any bonds are paid by the chamberlain, they shall be presented by him to the mayor for cancellation.

§ 82. **Chamberlain and acting chamberlain.** In case of the absence or disability of the chamberlain, or of a vacancy in the office, the mayor may appoint a deputy chamberlain who shall discharge the duties of the office until the chamberlain returns, his disability ceases or the vacancy is filled. The chamberlain and

deputy chamberlain, before entering upon the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council. The chamberlain and deputy chamberlain shall each be ex officio a commissioner of deeds.

§ 83. **Duties of chamberlain.** The chamberlain shall superintend the fiscal affairs of the city and manage the same pursuant to law and ordinance of the common council. He shall keep a separate account with every department and with each improvement for which funds are appropriated or raised by tax or assessment. No warrant shall be drawn by him for the payment of any claim against or obligation of the city unless it state particularly against which of such funds it is drawn. No fund shall be overdrawn nor shall any warrant be drawn against one fund to pay a claim chargeable to another. The chamberlain shall perform such other and further duties, as may from time to time be *proscribed by law, or by ordinance of the common council, not inconsistent with the provisions of this chapter or the other laws of the state.

§ 84. **Claims against the city.** No claim against the city except for a fixed salary, for the principal or interest on a bonded or funded debt or other loan, or for the regular or stated compensation of officers or employees in any city department, or for work performed or materials furnished under contract with the board of contract and supply, shall be paid unless a claim therefor, verified by or on behalf of the claimant, in such form as the city clerk shall prescribe, and approved by the head of the department or officer whose action gave rise or origin to the claim, shall have been presented to the common council, and shall have been audited and allowed by the common council. The city clerk shall cause each such claim, upon presentation to him, to be numbered consecutively and the number, date of presentation, name of claimant and brief statement of character of each claim shall be entered in a book kept for such purpose, which shall at all times during office hours be so placed as to be convenient for public inspection and examination. No claim shall be audited or paid until at least five days have elapsed after its presentation to the city clerk. The common council or the committee thereof, to which the claim shall be referred, is authorized, in considering a claim, to require any person presenting the same for audit to be sworn before him touching the justness and accuracy of such claim, and to take evi-

* So in original.

dence and examine witnesses in reference to the claim, and for that purpose he may issue subpœnas for the attendance of witnesses. If any person shall present to the city clerk for audit a claim in the name of any person or firm other than that of the actual claimant he shall be guilty of a misdemeanor.

§ 85. **Custody and management of sinking fund.** The chamberlain shall have, under the direction of the board of estimate and apportionment, the custody, investment and management of any sinking fund provided for the payment or redemption of city debts.

§ 86. **Annual financial statement.** The chamberlain shall, within thirty days after the close of each fiscal year, prepare and submit to the common council a full and accurate statement in detail, verified by his oath, showing: (1) The receipts and revenues of the city from all sources and the accounts which may be due to the city and uncollected at the close of the fiscal year; (2) the disbursements from all city funds and the expenditures in all branches of the city government during the fiscal year; (3) the indebtedness of the city at the close of the fiscal year, the provisions made for the payment thereof, together with the purposes for which it was incurred; (4) the cost of the acquisition, construction and operation of each public utility owned, maintained or operated by the city and the income derived therefrom. Such publication shall be accompanied by a statement in detail, in separate columns, showing the several funds belonging to the city, the amount drawn on each fund and its then present condition, also the several debts and obligations of the city, the character thereof, when the same are payable and the rate of interest on each.

§ 87. **Deposits and accounts.** All moneys deposited by the chamberlain, as provided herein, shall be placed to the credit of the city. The chamberlain shall keep bank books in which shall be entered his accounts or deposits in, and moneys drawn from, the banks or trust companies in which such deposits shall be made. He shall exhibit such books to the mayor for his inspection at least once each month, and oftener if required. The banks or trust companies in which such deposits are made shall respectively transmit to the chamberlain monthly statements of the moneys which shall have been received and paid out by them on account of the city.

§ 88. **Board of estimate and apportionment.** There shall be

a board of estimate and apportionment, which shall consist of the mayor, chamberlain, corporation counsel, president of the common council and the city engineer, except that when the number of subordinates, or the salaries thereof, in the department of any of the members of the said board are to be fixed and determined, the commissioner of charities shall temporarily take the place of the member whose number of subordinates, or the salaries thereof, is under consideration, for the purpose of fixing such salaries or number of subordinates, and for that purpose alone. The members of the board shall meet upon the call of the mayor, or as directed by the board. The mayor shall be president of the board and the city clerk shall act as secretary thereof. The secretary shall keep a journal of all the proceedings of the board.

§ 89. **Sinking fund.** Ten per centum of all moneys or revenues received by the city or by any officer, board or department thereof, from any source other than taxes or loans, shall, upon receipt of the same, be forthwith deposited in a separate account or accounts in one or more of the designated fiscal depositories of the city to the credit of the bonded indebtedness of the city, and said deposit shall be known as the sinking fund. The sinking fund shall be used exclusively for the payment of the principal of the bonded indebtedness of the city, other than revenue or assessment bonds, as it matures.

§ 90. **Fiscal year; department estimates.** The fiscal year of the city shall commence on the first day of January. On or before the first day of November in each year all heads of departments and officers empowered by law or by city ordinance to control or authorize expenditures shall furnish to the mayor estimates in writing of the amount of expenditures for the next fiscal year in their respective departments or offices, including a statement of the salaries of all their subordinates, which estimates the mayor shall lay before the board of estimate and apportionment at its first meeting thereafter, and the same shall be entered in its minutes.

§ 91. **Determination of positions and salaries.** The board of estimate and apportionment shall have the power to fix and change the salaries or compensation of all officers of the city, including such as are fixed by this act, except such as are otherwise provided by law, but every such salary shall be fixed by resolution at least four months before the beginning of the term of office to which it belongs, and shall not be increased or dimin-

ished during the continuance of such term of office. Every resolution fixing or changing a salary shall be published, after its introduction and before being finally acted upon, in one or more newspapers in the city, once a week for four successive weeks. The board of estimate and apportionment shall not have the power to provide for any salary or compensation whatsoever for any officer who by the provisions of this act is required to serve without pay. Said board of estimate and apportionment shall have power to determine the positions and numbers of all city officers and employees of each office, board and department.

§ 92. **Annual estimate.** At least thirty days prior to the commencement of each fiscal year, the board of estimate and apportionment shall make an itemized statement, in writing, of the estimated revenues and expenditures of the city for the fiscal year, which shall be known as its annual estimate. The estimate of revenues shall contain an estimate of the probable revenues which, in the judgment of the board of estimate and apportionment, will be received by the city during the fiscal year, less the amount required to be deposited to the credit of the sinking fund, if any; a statement of the amount of the sinking fund, which, in the judgment of the board of estimate and apportionment, is available and should be applied to the payment of the principal of any bonded indebtedness of the city falling due during the said fiscal year; and a statement of all unexpended balances or estimated unexpended balances of the previous fiscal year remaining to the credit of the city, or of any office, board or department thereof. The estimate of expenditures shall contain an estimate of the several amounts of money which the board of estimate and apportionment deems necessary to provide for the expenses of conducting the business of the city in each board, department and office thereof and for the various purposes contemplated by this act and otherwise by law for the said fiscal year; to pay the principal and interest of any bonded or other indebtedness of the city falling due during the said fiscal year; and the amount of any judgments recovered against the city and payable during the said fiscal year. After said annual estimate shall have been completed, the board of estimate and apportionment shall submit the same in final form to the common council with a statement, in writing, of such reasons for such estimate as it may deem proper. The common council shall as soon thereafter as may be possible convene and consider the said estimate. It

a board of estimate and apportionment, which shall consist of the mayor, chamberlain, corporation counsel, president of the common council and the city engineer, except that when the number of subordinates, or the salaries thereof, in the department of any of the members of the said board are to be fixed and determined, the commissioner of charities shall temporarily take the place of the member whose number of subordinates, or the salaries thereof, is under consideration, for the purpose of fixing such salaries or number of subordinates, and for that purpose alone. The members of the board shall meet upon the call of the mayor, or as directed by the board. The mayor shall be president of the board and the city clerk shall act as secretary thereof. The secretary shall keep a journal of all the proceedings of the board.

§ 89. **Sinking fund.** Ten per centum of all moneys or revenues received by the city or by any officer, board or department thereof, from any source other than taxes or loans, shall, upon receipt of the same, be forthwith deposited in a separate account or accounts in one or more of the designated fiscal depositories of the city to the credit of the bonded indebtedness of the city, and said deposit shall be known as the sinking fund. The sinking fund shall be used exclusively for the payment of the principal of the bonded indebtedness of the city, other than revenue or assessment bonds, as it matures.

§ 90. **Fiscal year; department estimates.** The fiscal year of the city shall commence on the first day of January. On or before the first day of November in each year all heads of departments and officers empowered by law or by city ordinance to control or authorize expenditures shall furnish to the mayor estimates in writing of the amount of expenditures for the next fiscal year in their respective departments or offices, including a statement of the salaries of all their subordinates, which estimates the mayor shall lay before the board of estimate and apportionment at its first meeting thereafter, and the same shall be entered in its minutes.

§ 91. **Determination of positions and salaries.** The board of estimate and apportionment shall have the power to fix and change the salaries or compensation of all officers of the city, including such as are fixed by this act, except such as are otherwise provided by law, but every such salary shall be fixed by resolution at least four months before the beginning of the term of office to which it belongs, and shall not be increased or dimin-

ished during the continuance of such term of office. Every resolution fixing or changing a salary shall be published, after its introduction and before being finally acted upon, in one or more newspapers in the city, once a week for four successive weeks. The board of estimate and apportionment shall not have the power to provide for any salary or compensation whatsoever for any officer who by the provisions of this act is required to serve without pay. Said board of estimate and apportionment shall have power to determine the positions and numbers of all city officers and employees of each office, board and department.

§ 92. **Annual estimate.** At least thirty days prior to the commencement of each fiscal year, the board of estimate and apportionment shall make an itemized statement, in writing, of the estimated revenues and expenditures of the city for the fiscal year, which shall be known as its annual estimate. The estimate of revenues shall contain an estimate of the probable revenues which, in the judgment of the board of estimate and apportionment, will be received by the city during the fiscal year, less the amount required to be deposited to the credit of the sinking fund, if any; a statement of the amount of the sinking fund, which, in the judgment of the board of estimate and apportionment, is available and should be applied to the payment of the principal of any bonded indebtedness of the city falling due during the said fiscal year; and a statement of all unexpended balances or estimated unexpended balances of the previous fiscal year remaining to the credit of the city, or of any office, board or department thereof. The estimate of expenditures shall contain an estimate of the several amounts of money which the board of estimate and apportionment deems necessary to provide for the expenses of conducting the business of the city in each board, department and office thereof and for the various purposes contemplated by this act and otherwise by law for the said fiscal year; to pay the principal and interest of any bonded or other indebtedness of the city falling due during the said fiscal year; and the amount of any judgments recovered against the city and payable during the said fiscal year. After said annual estimate shall have been completed, the board of estimate and apportionment shall submit the same in final form to the common council with a statement, in writing, of such reasons for such estimate as it may deem proper. The common council shall as soon thereafter as may be possible convene and consider the said estimate. It

shall give a public hearing to such persons as wish to be heard in reference thereto. After such hearing, and within thirty days after such estimate shall have been submitted to it, and before the beginning of said fiscal year the common council shall adopt such estimate so submitted or shall diminish or reject any items therein contained, and adopt said estimate as so amended. The common council shall not have the power to diminish or reject any item which relates to salaries, the indebtedness or estimated revenues, or the sums directed by the board of supervisors of the county within which the city is situated to be levied within the city for state and county purposes, or the sums lawfully payable within said fiscal year upon judgments; nor shall the common council increase any item, for any purpose contained in said estimate.

§ 93. **Annual appropriations.** When the common council shall have adopted the final estimate of the board of estimate and apportionment or said estimate as amended by it, the same shall be entered at large in its minutes and become a part of its proceedings. The several sums estimated for expenditures therein shall be and become appropriated in the amounts and for the several departments, offices and purposes as therein specified for the said fiscal year. The several sums therein enumerated as estimated revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the city and for the purposes contemplated by this chapter and otherwise by law, shall be and become applicable in the amounts therein named for the purposes of meeting said appropriations. In case the revenues received by the city exceed the amount of such estimated revenues named in said annual estimate, or in case there remain any unexpended balances of appropriations made for the support of the city government or for any other purpose, then such surplus revenues or such unexpended balances shall, except as otherwise provided by law, remain upon deposit and be included as a part of the estimated revenues for the succeeding year. When any moneys or revenues are received by any officer, board or department of the city, from any source other than by municipal tax, which are not otherwise appropriated, such moneys or revenues may be used and applied toward and in addition to the funds appropriated, as aforesaid, in such manner as in the judgment of the board of estimate and apportionment may be most beneficial to the city.

§ 94. **Tax budget.** The amount of estimated expenditures con-

tained in the annual estimate adopted by the common council, less the amount of estimated revenues applicable to the payment thereof, shall constitute the tax budget. The common council shall levy and cause to be raised by tax the amount of said budget, and the amount shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city at the time and in the manner provided by law.

§ 95. **Temporary loans.** In the interval between the beginning of the fiscal year and the adoption of the annual estimate the city shall have the power to borrow money to the extent required to pay fixed salaries, the principal and interest on bonded or funded debts or other loans, the stated compensation of officers and employees and indebtedness for work performed or materials furnished under contract with the board of contract and supply. After the adoption of said annual estimate it shall have the power to borrow money for the payment of the debts and expenses of the city, within the amounts appropriated therefor for the fiscal year, in anticipation of the receipt of the said taxes and revenues applicable to such purposes. The common council may provide for the issue of certificates of indebtedness or revenue bonds, to be signed by the mayor and the chamberlain for such purposes. Such certificates or bonds, together with interest thereon to date of maturity, shall be paid out of the moneys received on account of taxes and revenues applicable to such purposes.

§ 96. **Contracts and expenditures prohibited.** No officer, board or department shall, during any fiscal year, expend or contract to be expended any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the annual estimate in excess of the amounts appropriated in said estimate, as adopted by the common council, for such officer, board, department or purpose, for such fiscal year. Any contract, verbal or written, made in violation of this section shall be null and void as to the city, and no moneys belonging to the city shall be paid thereon, provided, however, that nothing herein contained shall prevent the making of contracts for light or water, the collection and disposal or the disposal of garbage or the sprinkling of streets or public places by railway cars, for periods exceeding one year. Nothing herein contained, however, shall be held to prohibit the commissioner of public safety from expending such sums or incurring such debts as may be actually necessary to prevent the

spread of, or to suppress any contagious or infectious disease, or any epidemic in the city, in addition to the amount appropriated for such purpose.

§ 97. **Penalties for violation of preceding section.** Any officer or member of any board or department of the city, making or voting for any contract prohibited by the preceding section, or auditing any account or claim under any such contract, shall be deemed guilty of a misdemeanor.

ARTICLE VII.

DEPARTMENT OF CONTRACT AND SUPPLY.

Section 100. Board of contract and supply.
101. Proposals.
102. Secretary of the board; commissioner of supplies.
103. Contracts for paving.
104. Power to purchase and contract limited.

Section 100. **Board of contract and supply.** There shall be a board of contract and supply, composed of the mayor, chamberlain, commissioner of public works, commissioner of public safety and city engineer. Except as otherwise provided by law, it shall be the duty of such board, after public notice and in accordance with regulations to be prescribed by general ordinance of the common council, to let to the lowest bidder, who will give adequate security therefor, all contracts for the performance of any work or for the supply of any material required by or for the use of any officer, board or department of the city, in all cases where the expense of such work or materials, or both, shall exceed the sum of two hundred and fifty dollars, unless by ordinance of the common council, unanimously adopted and unanimously approved by the board of estimate and apportionment, it is determined to be impracticable to procure such work or materials or both by contract, in which case said ordinance shall designate the officer, board or department to procure such work or purchase such materials. In case of public emergency involving accident or other injury by which the heating or plumbing of any of the public buildings or any of the fire or water works apparatus shall become disabled, the commissioner having jurisdiction thereof shall cause repairs thereto to be made without a letting by contract, upon filing with the board of contract and supply a certificate, approved by the mayor, showing

such emergency and the necessity for such repairs. The board shall have power to reject all bids or proposals if in its opinion the lowest bid or proposal is excessive. The said notice shall describe the work and materials for which contracts will be let and the day and hour and place of the meeting of the board at which proposals therefor will be opened. Specifications for the performance of any work and for the supply of any materials shall be prepared and set forth with sufficient detail to inform all persons proposing to bid therefor of the nature of the work to be done and of the materials to be supplied, and written or printed copies thereof shall be delivered to all applicants therefor. Every contract for a public improvement shall be based upon an estimate of the whole cost thereof, including all expenses incidental thereto and connected therewith, to be furnished by the proper officer, board or department having charge of such improvements.

§ 101. **Proposals.** No contract shall be let, except after the receipt of sealed bids or proposals therefor, and no bids or proposals shall be received at any time other than at a regular meeting of said board, and unless they conform to the rules of the board and the general ordinances of the common council. All bids or proposals must be indorsed with the title of the work or materials to which they relate, the name of the bidder and his residence. It shall be the duty of each member of the board to be present at the time and place mentioned in the public notice for the receipt and opening of bids or proposals, and such meetings shall be open to the public. After all the bids or proposals have been presented, but not until one-half hour after the time stated in the public notice for holding the meeting, all bids or proposals shall be opened by some member of the board or by its secretary, publicly and in the presence of the bidders and other persons there present, and an abstract of all of such bids or proposals, with the prices and security offered, shall be transcribed in a book kept for that purpose, without any change, correction or addition whatever. A majority of the board need not be present when such bids or proposals are opened. The board may reject all bids or proposals received at any meeting and advertise again for new bids or proposals to be received at another meeting as above prescribed. No person submitting, or on whose behalf a bid or proposal is submitted, nor the principal or sureties on any bond or security accompanying the same, shall have the right to withdraw or cancel any such bid, proposal or bond until the board shall have awarded

the contract for which such bid or proposal is made, and such contract shall have been duly executed.

§ 102. **Secretary of the board; commissioner of supplies.** The board of contract and supply shall appoint a secretary to hold office during its pleasure, whose duty it shall be to keep a full journal of all the proceedings of the board and to perform such additional duties as may be required by the board, or by law or ordinance of the common council. Where any work or repairs needed to be done, or materials or supplies to be furnished for any office, court, board or department shall not exceed two hundred and fifty dollars in cost, the board of contract and supply may by general or special rule authorize the commissioner of public works, or the commissioner of public safety, or the secretary of the board, or any of them, to give written orders therefor and purchase the same. No materials or supplies shall be purchased for, or delivered by or upon the order of the commissioner to any officer, board, court, body or department of the city, except upon the requisition in writing from the officer, body or head of the department for which the same are required. The commissioner shall require a receipt in writing from each officer, board, body or head of the department for all supplies delivered to him or it by the commissioner or on his order, and he shall approve, in writing, all claims for any such materials or supplies purchased by him, before the same shall be presented for audit.

§ 103. **Contracts for paving.** The common council shall, by general ordinance, prescribe, approve and adopt the materials to be used in paving, repaving, repairing, surfacing or resurfacing the streets and public places of the city, and fix the standard of excellence and test required for each such material. The city engineer shall prepare standard specifications, in accordance with such ordinance, for the performance of the work involved in such improvements with each kind of material so prescribed, approved and adopted therefor. Whenever the common council shall determine to make any such improvement, and the proceedings provided by law as preliminary thereto shall have been taken, the board of contract and supply shall advertise for proposals for the furnishing of the materials and the performance of the work involved in such improvements, and specifications shall be prepared and proposals shall be invited, pursuant to the provisions of this chapter, for the construction of such improvement with each kind of paving material so prescribed, approved and adopted by the common

council. In case the expense of any such improvement is to be assessed upon the property abutting upon the street, or part thereof, to be improved and more than one kind of material is prescribed, approved or adopted therefor, the secretary of the board shall, within one week after proposals for such work have been received and opened, cause to be published in the official paper once each week for two successive weeks, a notice containing a summary statement of all such proposals. A majority of said property-owners, owning not less than one-third of the feet front of property abutting on such street, exclusive of city property, may present to the board of contract and supply a petition or other writing designating the general kind of pavement or material to be used in making said improvement. If no part of the expense of such improvement is to be assessed upon the property abutting upon said street, or if such expense is to be so assessed, but the property-owner shall not have made a designation or shall have made more than one designation, as herein provided, the common council shall, not later than at its next regular meeting after the expiration of ten days from the service of such notice, designate the kind of pavement or material to be used in making such improvement, and the contract for such improvement shall be awarded for the kind of pavement or material so designated by the property-owners or common council as aforesaid, and to the lowest bidder for doing the work with the kind of pavement or material so designated. In case, however, two-thirds of the owners of property, owning at least three-fifths of the linear feet fronting upon said street, or part thereof, shall designate a particular make, style or brand of the kind of pavement or material to be used in making such improvement, the contract therefor shall be awarded to the lowest bidder for such make, style or brand of such kind of pavement or material, although the same is not the lowest bid for such kind of pavement or material so designated.

§ 104. **Power to purchase and contract limited.** No person shall have power to make any purchase or contract any debt for which the city shall be liable unless specifically authorized by the provisions of this chapter.

ARTICLE VIII.

DEPARTMENT OF PUBLIC WORKS.

Section 110. Commissioner and deputy commissioner of public works.
111. Powers and duties of commissioner.

Section 112. Repair of sidewalks; removal of snow and ice.
113. Performance of public work to be certified.
114. Superintendent of parks.
115. City engineer.
116. Duties of city engineer.
117. Alteration of grades and names of streets.
118. Apportionment of city's expense of improvements.
119. Discontinuance of streets.
120. Streets by prescription.
121. Acquisition of lands.

Section 110. **Commissioner and deputy commissioner of public works.** The commissioner of public works shall be the head of the department of public works. He shall appoint, to hold office during his pleasure, such subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the commissioner or of a vacancy in the office, the mayor may appoint an assistant commissioner who shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner and such assistant commissioner before entering upon the discharge of the duties of their respective offices shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 111. **Powers and duties of commissioner.** The commissioner, subject to the provisions of law and ordinances of the common council, has cognizance, direction and control of the construction, maintenance, alteration, repair, care, cleaning, paving, flagging, lighting and improving of the streets, highways, sidewalks and public places of the city; of the construction, alteration and repair of all city buildings and of all docks and bridges belonging to the city; of all public sewers and drains in the city; of the construction, maintenance, extension, repair and care of the city electric light plant, and fire alarm system; of the care, superintendence and management and improvement of all parks and grounds, public baths and recreation piers belonging to the city. Except as otherwise provided by law, the commissioner shall have supervision of, control over and jurisdiction and authority to make all ordinary repairs or improvements upon the streets, parks, sidewalks, crosswalks, gutters, vaults, drains, culverts, bridges and public ways and places of the city, including the cleaning of the

same, and may employ such laborers and teams and incur such expenditures as may be necessary within the limits of the appropriations made therefor. It shall be his duty to inspect the same with sufficient frequency to ascertain their condition and cause the same to be kept free from obstructions and in good condition and repair and reasonably safe for public use. The commissioner shall also have general supervision and control of all work performed under any contract of the city for local or other improvements to be performed within or upon any of the public streets, parks, ways and places, or with reference to the public works and ways within the jurisdiction of his department, including the lighting, sprinkling, watering or flushing of the streets or public places, and shall cause the same to be performed in full compliance with the provisions of any contract therefor. Except as otherwise provided by law or ordinance of the common council, the commissioner of public works has, over the streets and public places within the city, all the jurisdiction and is charged with all the duties of commissioners of highways within the towns of the state.

§ 112. **Repair of sidewalks; removal of snow and ice.** The commissioner of public works shall have full power and authority to require the owner of property abutting upon a street to repair any sidewalk in front thereof or bring the same to true grade, and to remove the snow and ice therefrom. Where the owner of such property shall fail or neglect to repair any sidewalk or bring the same to true grade for five days after written notice so to do has been served on him, either personally or by delivering the same at his residence, or if he be a non-resident by mailing the same to him at his last known place of residence, or if the name of the owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place upon the premises; or where the owner of any such premises shall fail or neglect to remove snow and ice from any such sidewalk after the same has remained thereon for more than twelve hours, and the commissioner shall have repaired such sidewalk or brought the same to grade or removed the ice or snow therefrom, a bill for the expenses incurred thereby shall be presented to the owner personally or by leaving the same at his residence or, if he be a non-resident, by mailing the same to him at his last known place of residence, or if the name of such owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place on the premises; and, if he shall fail to pay the same within

ten days thereafter, the commissioner shall file each year immediately preceding the time for making the annual assessment-roll his certificate of the actual cost of the work, together with a statement as to the property in front of which the repairing or grading or cleaning was done, with the assessors of the city, who shall, in the preparation of the next assessment-roll of general city taxes, assess such amount upon such property, and the same shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general city tax and as a part thereof.

§ 113. **Performance of public work to be certified.** All public work performed pursuant to contract under the supervision or control of the commissioner shall, before it is accepted, be certified to by him to the effect that such work has been performed in a good and substantial manner with the materials required, of the quality and in the manner directed by the terms of the contract under which the same was done. Within ten days after the completion of any such work the commissioner shall file a certificate of such completion with the chamberlain and with the city clerk, to be reported by him to the common council. Such certificate shall state in substance that said work has been duly examined by the commissioner and that the same has been fully performed and completed in accordance with the terms of the contract therefor.

§ 114. **Superintendent of parks.** Unless otherwise provided by law or ordinance of the common council, the commissioner of public works shall appoint, to hold office during his pleasure, a superintendent of parks, who shall have, under the direction of the commissioner, the supervision, care, management and control of all the parks of the city and of such portions of the streets as pass through or intersect the same, and of the shade trees of the city. Subject to the direction of the commissioner and to the ordinances of the common council, he shall prescribe the powers and duties of his subordinates and shall, except as otherwise provided by law, superintend the expenditure of all moneys appropriated for park purposes. He shall keep an account of such expenditures and shall approve all claims against the city on account thereof before submission to the common council for audit. The superintendent, under the direction of the commissioner, may make all ordinary repairs and improvements upon the parks and such intersecting streets, may employ all laborers needed thereon, and fix their wages, subject to the approval of the commissioner and the board

of estimate and apportionment. Except as otherwise provided by law, he shall conduct, with the aid of the corporation counsel, all negotiations and proceedings for the acquisition of lands for park purposes, when the same shall have been authorized by ordinance of the common council and approved by the board of estimate and apportionment. He shall make such rules and regulations, not inconsistent with the ordinances of the common council and laws of the state, as he shall deem proper for the government, management and care of the parks and of the streets in and through the same, and of such other streets, being approaches thereto, as may be designated by ordinance of the common council as parkways, and such rules and regulations, when approved by the common council, shall have the force and effect of city ordinances. The superintendent shall have such other powers and be charged with such other duties, not inconsistent with the provisions of this chapter and the laws of the state, as the commissioner may direct, or as the common council by ordinance may define and prescribe.

§ 115. **City engineer.** No person shall be eligible to appointment as city engineer unless he be a civil engineer of at least five years' practical experience in his profession.

§ 116. **Duties of city engineer.** It shall be the duty of the city engineer to perform all the ordinary engineering and surveying services in the affairs and business of the city and to supervise, under the general direction of the commissioner of public works, all the work done for the city in which the skill of his profession may be required or useful. He shall, under the direction of the commissioner of public works and the ordinances of the common council, act as the superintendent of public buildings, bridges, docks and wharves. He shall perform such other duties as may be prescribed by the commissioner of public works or by ordinance of the common council.

§ 117. **Alteration of grades and names of streets.** The common council shall not change the grade of any street which has been legally established, except by ordinance of the common council and except also upon compensation for damages done, to be ascertained in and by the proceedings provided by law for ascertaining damages for lands taken for the opening of streets. The common council shall not alter the name of any street except by ordinance and unless a majority of the owners of property abutting on such street shall petition therefor, in which case a majority vote shall be sufficient.

§ 118. **Apportionment of city's expense of improvements.** The

common council may, by ordinance approved by the board of estimate and apportionment, fix and determine the amount and proportion of the expense which shall be borne by the city at large for opening, altering, grading, curbing or paving a street, or for constructing therein a public sewer, except as hereinafter provided in this act. The amount and proportion of the expense of such improvements which shall be borne by the city at large shall be included in the budget and raised by tax the same as other general city charges, or may be borrowed and raised by the city by the issue of bonds in accordance with the provisions of this chapter, as shall be determined by the board of estimate and apportionment. An amount sufficient to pay any such bonds, when due, together with the accrued interest thereon, shall be included in the tax budget and raised by tax the same as other general city charges, and such bonds as they mature, together with the interest thereon, shall be paid out of the moneys so raised by tax. The proportion of the expense which is not borne by the city shall be assessed and charged upon the property affected by such improvement in the form and manner provided by law, or by this act.

§ 119. **Discontinuance of streets.** Whenever the common council shall contemplate the discontinuance of any street, it shall cause a notice to be published for ten days in the official newspaper of the city of its intention so to do, and that all persons interested may be heard in reference thereto at a time stated in such notice. If it shall be determined to discontinue the street and any person shall claim to be damaged by such discontinuance, such alleged damages, unless agreed to by the commissioner of public works and approved by the board of estimate and apportionment, must be ascertained and determined in the manner provided by law for ascertaining damages for lands taken for the opening of streets. An ordinance discontinuing any street shall require the affirmative vote of three-fourths of all the members of the common council.

§ 120. **Streets by prescription.** All lands which shall have been used by the public as a street for twenty years or more continuously shall be a street with the same force and effect as if it had been duly laid out and recorded as such.

§ 121. **Acquisition of lands.** Whenever any real estate or interest therein shall be required for any municipal purpose, except as otherwise provided by law, the commissioner of public works may acquire for the city the necessary land and real estate by gift or by purchase, at a price approved by the board of estimate and apportionment, or by the proceedings specified in the condem-

nation law, or in the case of property required for street purposes, by the proceedings provided by law for acquiring and ascertaining damages for property taken for purposes of street openings.

ARTICLE IX.

DEPARTMENT OF PUBLIC SAFETY.

Section 125. Commissioner of public safety; appointees.
126. Duties of commissioner.
127. Rules, orders and regulations.
128. Constitution of police and fire departments.
129. Membership.
130. Term of office.
131. Discipline.
132. Appeal from determination of commissioner.
133. Exemptions.
134. Chief of police.
135. Powers and duties of members of police department.
136. Service of process.
137. Political activity prohibited.

Section 125. **Commissioner of public safety; appointees.** The commissioner of public safety shall be the head of the department of public safety. He shall have all the powers now vested in the board of police commissioners and the board of fire commissioners. The boards of police and fire commissioners, and the office of members of the board of police and fire commissioners, shall be abolished, upon the appointment of a commissioner of public safety as in this act provided, and thereupon the powers and duties of the said commissioners now in office shall cease and determine. The commissioner of public safety may appoint, to hold office during his pleasure, a chief of police, in place of the present captain of police, and a chief of the fire department. Whenever a vacancy occurs in the office of the chief of police or chief of the fire department, the commissioner of public safety shall appoint, in his discretion, a person deemed by him to be suitable and competent to fill the same. The chief of police and chief of the fire department, appointed by the commissioner, shall each hold office during good behavior, or until permanently incapacitated or unfit to discharge his duties. The commissioner may appoint such other subordinates as may be prescribed by the board of estimate and apportionment to hold office, except as otherwise provided by law,

during his pleasure. In case of the absence or disability of the commissioner or a vacancy in the office, the mayor may appoint a deputy commissioner, who shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. Before entering upon the discharge of the duties of their respective offices, the commissioner, deputy, chief of the police and chief of the fire department shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 126. **Duties of commissioner.** The commissioner of public safety shall have cognizance, jurisdiction, supervision and control of the government, administration, disposition and discipline of the police department, and fire department, and of the officers and members of said departments, and shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of said departments, and the apparatus and property thereof and buildings furnished therefor, and shall have the general direction and supervision of the expenditure of all moneys appropriated to said departments. He shall possess such other powers and perform such other duties as may be prescribed by law or by ordinance of the common council.

§ 127. **Rules, orders and regulations.** The commissioner of public safety shall make, adopt and enforce such reasonable rules, orders and regulations, not inconsistent with law, as may be reasonably necessary to effect a prompt and efficient exercise of all the powers conferred and the performance of all duties imposed by law upon him or the department under his jurisdiction. He is authorized and empowered to make, adopt, promulgate and enforce reasonable rules, orders and regulations for the government, discipline, administration and disposition of the officers and members of the police and fire departments, and for the hearing, examination, investigation, trial and determination of charges made or prepared against any officer or member of said departments for neglect of official duty or incompetency or incapacity to perform his official duties or some delinquency seriously affecting his general character or fitness for the office, and may, in his discretion, punish any such officer or member found guilty thereof by reprimand, forfeiting and withholding pay for a specified time, or by suspension during a fixed period or dismissal from office; but no officer or member of said departments shall be removed or otherwise punished for any other cause, nor until specific charges in

writing have been preferred against and served upon him, and he shall have been found guilty thereof, after reasonable notice and upon due trial before said commissioner in the form and manner prescribed by law and the rules and regulations of the department.

§ 128. **Constitution of police and fire departments.** The police and fire departments shall, as to their membership and component parts, remain as now constituted until the same shall be changed by action of the commissioner of public safety. The common council has power at all times by ordinance to determine the number of officers and members of each of said departments and the classes and grades into which they shall be divided, except that it shall not have the power to diminish the number of the members of either of said departments as now fixed. The number of officers or members of either of said departments shall not be increased without the approval of the board of estimate and apportionment. The common council may pass ordinances not inconsistent with law for the government of the police and fire departments, and regulating the powers and duties of their officers and members. The commissioner shall appoint, as vacancies in said department occur, all officers and members thereof, and classify and apportion them into grades to conform to such ordinances.

§ 129. **Membership.** No person shall be appointed to membership in the police or fire departments of the city, or continue to hold membership therein, who is not a citizen of good moral character, who has ever been convicted of a felony, who cannot understandingly read and write the English language, and who shall not have resided in the city during the two years next preceding his appointment. The commissioner shall make all appointments, promotions and changes of status of the officers and members of the police and fire departments in accordance with the provisions of the civil service law of the state, except as otherwise provided herein. In making promotions, seniority and meritorious service in the department, as well as superior capacity, as shown by competitive examination, shall be taken into account. Individual acts of bravery may be treated as acts of meritorious service, and the relative weight therefor shall be fixed by the municipal civil service commission. No member of the police or fire departments shall hold any other office nor be employed in any other department of the city government.

§ 130. **Term of office.** All members of the police and fire departments, subject to the power of removal herein specified, shall

hold their respective offices during good behavior or until by age or disease they shall become permanently incapacitated to discharge their duties.

§ 131. **Discipline.** If a charge may be made by any person against any officer or member of the police or fire departments that he has been negligent or derelict in the performance of his official duties, or is incompetent or without capacity to perform the same or is guilty of some delinquency seriously affecting his general character or fitness for the office, the charge must be in writing, in the form prescribed by the rules and regulations of the commissioner of public safety, and a copy thereof must be served upon the accused officer or member. The commissioner shall then proceed to hear, try and determine the charge. The accused shall have the right to be present at his trial and to be heard in person and by counsel and to give and furnish evidence in his defense. All trials shall be open to the public. The commissioner has power to issue subpœnas, in his name, to compel the attendance of witnesses upon any proceeding authorized by the rules and regulations of the department, and any person served with a subpœna is bound to attend in obedience to the command thereof; and the commissioner may compel the attendance of witnesses and compel them to testify in the same manner as in the case of any officer or board authorized by law to issue subpœnas and take testimony. If the accused shall be found guilty of the charge made against him, the commissioner may punish him by reprimand, by forfeiting and withholding pay for a specified time, by suspension without pay during a fixed period or by dismissal from the force.

§ 132. **Appeal from determination of commissioner.** In case any such officer or member is aggrieved by the determination of the commissioner on any trial of charges as specified in the preceding section, on jurisdictional grounds, he may, within thirty days after the rendering of such determination, take an appeal therefrom to the supreme court, at any special term thereof, held within the judicial district in which the city is situated. Upon such appeal the decision of the court shall be final and conclusive. An appeal taken, as prescribed herein, shall be perfected by the service of a notice of appeal upon the commissioner. He shall, within ten days thereafter, make and file with the county clerk of Albany county a complete return of the proceedings on such trial, for the use of the parties and the court on such appeal.

§ 133. **Exemptions.** No member of the police or fire department shall be liable to military or jury duty or to arrest on criminal or civil process while on duty.

§ 134. **Chief of police.** The chief of police shall have the power and it shall be his duty to enforce all rules and regulations of the commissioner of public safety relating to the police department; to commit any person charged with a criminal offense until an examination shall be had before the proper magistrate; to administer oaths and take affidavits in respect to all matters pertaining to his official duties, and to perform such other duties as may be prescribed by law, the commissioner of public safety or ordinance of the common council.

§ 135. **Powers and duties of members of police department.** The members of the police department, other than surgeons, in criminal matters have all the powers of peace officers under the general laws of the state, and they shall also have the power and it shall be their duty to arrest any person found by them violating any of the penal ordinances of the city or laws of the state, and to take such person before the proper city magistrate. Such person shall be dealt with in the same manner as if he had been arrested upon a warrant theretofore duly issued by such magistrate. They shall report violations of law and ordinances coming to their knowledge in any way under regulations to be prescribed by the commissioner of public safety. They shall also have, in every other part of the state, in criminal matters all the powers of constables and any warrant for search or arrest issued by any magistrate of the state may be executed by them in any part of the state according to the tenor thereof without indorsement. They shall possess such other powers and perform such other duties as may be provided by law or ordinance of the common council.

§ 136. **Service of process.** All criminal process for any offense committed within the city, and all process to recover or to enforce any penalty for the violation of any city ordinance issued out of any court or by any magistrate within the city, and every process, subpœna or bench warrant issued by the district attorney of Albany county, relating to any offense committed within the city, and every process, subpœna or warrant issued by any coroner of such county in any inquest held in the city relative to the death of any person, may be served by any member of the police department.

§ 137. **Political activity prohibited.** No officer or member of the police department shall be a member of or delegate to any political convention, nor shall he be present at such convention except in the performance of duty relating to his position as such officer or member. He shall not solicit any person to vote at any political primary or election, nor challenge, nor in any manner attempt to influence any voter thereat. He shall not be a member of any political committee. Any officer or member violating any provision of this section shall be dismissed from office.

ARTICLE X.

DEPARTMENT OF CHARITIES.

Section 145. Commissioner; overseer of poor.
146. Powers and duties of commissioner.
147. Powers and duties of *overseer.
148. City owner of supplies.
149. Liability of city.

Section 145. **Commissioner; overseer of poor.** The commissioner of charities shall be the overseer of the poor. In case of the absence or disability of the commissioner or of a vacancy in the office, the mayor may appoint a deputy who shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner and deputy, before entering upon the discharge of the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 146. **Powers and duties of commissioner.** The commissioner of charities shall have the general care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, orphan asylums and all other similar institutions, the control or government of which belongs or is intrusted to the city. He shall make regulations for the expenditure of the moneys appropriated for the support or relief of the poor and for the general supervision of such expenditures. He shall investigate fully the circumstances of all persons alleged to be destitute or without proper means of support, or without proper guardianship, or who are in danger of becoming or are a public

* So in original.

burden in any respect; and also the circumstances of their relatives or other persons whose duty it is to relieve or maintain them or contribute to their support; also to institute and prosecute any and all actions and proceedings authorized by law to compel any and all persons liable for the care, maintenance, education or support of any such destitute or dependent persons to contribute thereto, and to indemnify the city and public against any expenditures on account thereof. He shall also prosecute any and all bonds, undertakings or recognizances given for any of the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such persons shall be deposited by the commissioner with the chamberlain as a trust fund, and the same shall be applied and expended by the said commissioner for the purpose on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be treated as an unexpended balance of money appropriated for such department. The commissioner shall furnish to and file with the city clerk a monthly statement in detail of all receipts and expenditures, including the aid and relief granted by him, with the names and addresses of all recipients.

§ 147. **Powers and duties of commissioner.** The commissioner shall possess all the power and authority of overseers of the poor in the several towns of the county of Albany and be subject to the same duties, obligations and liabilities. The commissioner and his assistants shall have the power to examine under oath any person applying for relief.

§ 148. **City owner of supplies.** The city shall continue to be the owner of supplies furnished to any poor person or applicant for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 149. **Liability of city.** Nothing contained in this chapter shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

ARTICLE XI.

DEPARTMENT OF LAW.

Section 155. Corporation counsel; qualification.
156. Duties.
157. Certification of contracts.
158. Payment over of collections; docket.
159. Compromises.
160. Employment of counsel.
161. Judgment against city.
162. Actions for damages or injuries to person or property.
163. *Police to aid corporation counsel.

§ 155. **Corporation counsel; qualification.** The corporation counsel shall be the head of the department of law, and, at the time of his appointment, shall be an attorney and counsellor of the supreme court of the state of New York of at least six years' standing in his profession. The corporation counsel shall receive a salary of twelve hundred dollars per year, payable in twelve monthly installments.

§ 156. **Duties.** The corporation counsel shall be and act as the legal adviser of the common council and of the several officers, boards and departments of the city, and he shall appear for and protect the rights and interests of the city in all actions, suits and proceedings brought by and against it or any city officer, board or department; and such officers, boards or departments shall not employ other counsel.

§ 157. **Certification of contracts.** No written contract providing for the payment of two hundred and fifty dollars or more, entered into by the city or any of its officers, boards or departments shall be acted under until there shall be indorsed thereon by the corporation counsel a certificate to the effect that the city officer, board or department, which has executed the same on behalf of the city, had authority and power to make such contract, and that such contract is in proper form and properly executed; and he shall attend to all the law business of the city, and discharge such other duties as may be prescribed in the ordinances of the common council.

* So in original.

§ 158. **Payment over of collection; docket.** The corporation counsel shall pay over at once to the city treasurer all moneys collected by him for or on behalf of the city, including fines and penalties; and he shall annually, on the first Tuesday of February, file with the mayor of the city an inventory of all the books and property belonging to the city in his custody. He shall keep a docket, in which shall be entered at length all actions and proceedings in which he shall appear for the city, and which docket shall show at all times the condition of all such actions or legal proceedings.

§ 159. **Compromises.** The corporation counsel shall, whenever he considers that the best interests of the city will be subserved thereby, enter into an agreement, in writing, subject to the written approval of the board of estimate and apportionment, to compromise and settle any claim against the city, which agreement shall be reported to the common council at its next meeting, and be and constitute a valid obligation against the city; and the amount therein provided to be paid shall, with interest thereon at six per centum from its date, be included in the next city tax budget; and when raised by tax be paid to the claimant. If, however, before the adoption of the city tax budget there shall be received by the city treasurer from any source any moneys not otherwise appropriated, the amount in the agreement provided to be paid shall be paid out of such moneys so received as far as they will satisfy the same.

§ 160. **Employment of counsel.** The corporation counsel, with the written consent of the mayor, may employ counsel at such compensation as may be agreed upon by the board of estimate and apportionment, to assist him in the argument and conduct of important cases or proceedings in which the city is interested or a party.

§ 161. **Judgments against city.** The amount of any judgment recovered against the city, and payable by it remaining unpaid, with the interest due thereon, in case no appeal is intended to be taken, or in case such judgment is finally affirmed on an appeal taken, shall be reported by the corporation counsel immediately after the same shall have become payable to the common council; and such amount shall be raised in the next levy of taxes for the expenses of the city, unless execution upon such judgment shall be stayed. Such judgments shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order

of their recovery. Until the money so raised shall be paid into the treasury and payment of judgments refused, no execution shall issue against the city, unless the amount of such judgments shall not have been included in the tax levy; provided, nevertheless, if there be any moneys in the treasury to the credit of a fund derived from the revenues of the city other than taxation not otherwise appropriated sufficient to satisfy such judgments, the common council shall direct the payment therefrom of such judgments in the order of their recovery.

§ 162. **Actions for damages or injuries to person or property.** No civil action shall be maintained against the city for damages or injuries to person or property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk or street, unless written notice thereof relating to the particular place was actually given to the commissioner of public works and there was a failure or neglect to cause such snow or ice to be removed, or the place otherwise made reasonably safe within a reasonable time after the receipt of such notice. Any person intending to make any claim against the city for personal injuries shall, within one month after such injuries shall have been received, give to the corporation counsel a notice in writing of the intention to claim damages, and of the time and place at which the injuries were received and the nature and extent of such injuries. All claims against the city for damages or injuries to person or property alleged to have been caused by the misfeasance or negligence of the city, or any of its officers or employees, shall be presented to the common council in writing, within three months after the happening of the accident or injury out of which the claims arose. Such writing shall describe the time when, the particular place where and the circumstances under which the damages or injuries were sustained and the cause thereof; it shall also state, so far as it is then practicable, the nature and extent of the damages or injuries; it shall also state the place of residence of the claimant by street and number, and, if there be no street or number, it shall contain such statement as will disclose the place of residence; and all such claims shall be verified by the oath of the claimants. The omission to serve upon the corporation counsel the notice hereinbefore provided, or the omission to present such claim to the common council within three months, or to commence an action thereon within one year, shall be a bar to any claim or action therefor against the city; but no action shall be brought

upon any such claim until three months have elapsed after the presentation of the claim to the common council. Nothing contained in this section shall be held to repeal or modify any existing requirement or statute of limitations which is applicable to this class of actions, but, on the contrary, shall be held to be an additional requirement to the right to maintain such action; nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the city any greater duty or obligation than that it shall keep its streets and public places in a reasonably safe condition for public use and travel. The place of trial of all actions or proceedings against the city or any of its officers, boards or departments, shall be the county of Albany.

§ 163. It shall be the duty of every member of the police force of the city, observing or having any knowledge of any accident from which a cause of action might arise against the city, to forthwith report the facts of such accident to the corporation counsel; and upon the request of the corporation counsel, the chief of police shall detail some member of the force to aid the corporation counsel in the investigation of claims against the city for injuries to person or property.

ARTICLE XII.

DEPARTMENT OF EDUCATION.

Section 165. Board of education.
166. Appointment of school commissioners.
167. Chairman of the board of education.
168. Vacancies in office of school commissioners.
169. Eligibility to office of school commissioner.
170. Meetings of board of education.
171. Superintendent of schools and librarian.
172. Duty of city chamberlain as to custody and collection of school moneys.
173. Payment of school moneys.
174. Powers of board of education.
175. Sale of schoolhouses.
176. Admission of pupils to schools.
177. Annual report to *state superintendent.
178. Annual statement to be published.

* So in original.

Section 179. Basis for distribution of state moneys.
180. Estimated expenses to be reported to mayor.
181. *Increased estimate.
182. Academy or high school.
183. Bids to be received for work and materials.
184. Members of board not to receive compensation or to be interested in contracts.

§ 165. **Board of education.** The public schools within the city of Watervliet shall be under the management and control of a board of education to be styled "the board of education of the city of Watervliet."

§ 166. **Appointment of school commissioners.** The mayor, within ten days after the passage of this act, shall appoint five school commissioners. He shall appoint one of these commissioners for a term ending January fifteenth, in the year nineteen hundred and twelve, one for a term ending January fifteenth, in the year nineteen hundred and thirteen, one for a term ending January fifteenth, in the year nineteen hundred and fourteen, one for a term ending January fifteenth, in the year nineteen hundred and fifteen, and one for a term ending January fifteenth, in the year nineteen hundred and sixteen. The mayor shall thereafter annually, between the first and the fifteenth day of January, appoint one school commissioner for a term of five years, who shall enter upon the term of his office on the sixteenth day of January, succeeding his appointment. The terms of office of the school commissioners now in office shall cease and terminate upon the appointment of the school commissioners provided for in this section.

§ 167. **Chairman of the board.** The board of education shall hold a meeting annually on the second Tuesday in January for the purpose of organization and at such meeting shall elect one of their number chairman of such board. In case of the absence of the chairman from the city or his inability from any cause to attend a meeting of such board the other members present may appoint one of their number chairman pro tempore of such meeting.

§ 168. **Vacancies in office of school commissioner.** All vacancies in the office of school commissioner occasioned by death, resignation, removal or otherwise, shall be filled by appointment by the mayor.

* So in original.

§ 169. **Eligibility to office.** No officer of the city of Watervliet, except commissioner of deeds, shall be eligible to the office of school commissioner under this act, and the acceptance of any such office by any such commissioner shall vacate his office as such school commissioner. Any member of the board of education may, for neglect of duty, or for either immoral or official misconduct, be removed from office by the said board of education by a vote of two-thirds of said board; but before final action thereon, a written copy of the charges preferred against said member shall be served upon him, and he shall be allowed an opportunity to explain or refute them. Any member of said board may resign his office by giving one month's previous notice, in writing, to the board of education, who may, if they deem the reason sufficient, accept the same.

§ 170. **Meetings of the board.** The board of education shall meet for the transaction of business as often as once in each month, and may adjourn for any shorter time. Special meetings may be called by the mayor, or, in case of his absence or inability to act, by any member of the board, as often as necessary, by giving personal notice in writing to each member of the board, or by mailing a written or printed notice to his address, at least twenty-four hours before the time of such special meeting. A majority of the board shall constitute a quorum for the transaction of business.

§ 171. **Superintendent of schools and librarian.** The board of education shall appoint a superintendent of schools and a librarian, who shall hold office during the pleasure of the board, and whose compensation shall be fixed by the board. The superintendent shall be, ex officio, secretary of the board, and shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe. The librarian shall have full charge of the library or libraries of the district, and may appoint such assistants as may be necessary, from time to time, and such assistants may be removed at any time by the board of education. The record of the board of education, or a transcript thereof, certified by the secretary, shall be received in all courts as prima facie evidence of facts therein stated, and such record, the books, accounts, vouchers and papers of the said board shall at all times be subject to the inspection of the people of said city, and a transcript thereof may be taken.

§ 172. **Duty of city chamberlain as to custody and collection of school moneys.** All moneys raised by virtue of this act, or received

from any other source for the use of the public schools in said city, shall be safely kept by the chamberlain of the city of Watervliet to the credit of the school fund, until drawn as hereinafter provided for, and he shall, at the proper time in each year, draw upon the county treasurer, or other proper officer, for all moneys appropriated to said city or the schools in said city from the common school, literature or other funds of this state; and he is hereby authorized to receive the same.

§ 173. **Payment of school moneys.** The chamberlain shall pay out the moneys received by him only upon drafts drawn by the chairman and countersigned by the secretary of the board of education, which drafts shall not be drawn except in pursuance of a resolution or resolutions of said board, and shall be payable to the person or persons entitled to receive the money thereon. The chamberlain, when required to do so by the board of education, shall make to them a written statement of the moneys received and disbursed by him on their account, together with the amount in his hands at the time of such statement.

§ 174. **Powers of board of education.** The said board of education shall have power and it shall be their duty:

1. To organize, establish and maintain such and so many schools in said city, including the common schools now existing therein, as they shall deem requisite and expedient, and to alter and discontinue the same.

2. To purchase and hire schoolhouses and rooms, lots or sites for schoolhouses, and to fence and improve them.

3. Upon the lots and sites owned by said city, build, enlarge, alter, improve and repair schoolhouses, outhouses and appurtenances as they may deem expedient.

4. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide for fuel for the schools and to pay the necessary insurance on buildings and school property.

5. To have the custody and safekeeping of the schoolhouses and all school property, and to see that the regulations of the board in relation thereto be observed.

6. To contract with and employ all teachers in said schools and for sufficient cause to remove them.

7. To pay the salaries of such teachers out of the money appropriated or provided by law for the support of public schools in said city, or by this act.

8. To defray the necessary contingent expenses of the board and to pay the salaries of the superintendent and librarian.

9. To license teachers employed in the schools of said city as provided in the education law,[3] but no teacher heretofore duly licensed under the provisions of the education law, to teach within the territory of the city of Watervliet, shall be required to take out any other license to qualify said teacher in any of the schools of said city, until the expiration of the license now held by said teacher.

10. To have, to the exclusion of all boards and officers, except the commissioner of education of this state, and the regents of the university, the entire supervision and management of the schools of said city, and to maintain therein an academy or high school; from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for the organization, government and instruction of said schools, and for the reception of pupils and their transfer from one class to another or from one school to another, and generally for their good order, prosperity and utility.

11. Whenever, in the opinion of said board, it may be advisable to sell any of the schoolhouses, lots or sites, or any of the school property now, or hereafter, belonging to the city, to report the same to the common council.

§ 175. **Sale of schoolhouses, et cetera.** The common council of said city may, upon the recommendation of the board of education, sell any of the schoolhouses, lots or sites, or any other school property now or hereafter belonging to said city, upon such terms as the said board of education may deem reasonable. The proceeds of all such sales shall be paid to the chamberlain of the city, and shall be by the said board of education again expended in the construction, repairs or improvements of other schoolhouses, lots, sites or school furniture, apparatus or appurtenances.

§ 176. **Admission of pupils to schools.** The schools herein provided for shall be free to all pupils between the age of five and twenty-one years who are actual residents of said city. The board of education shall decide all questions of residence arising under this section. The said board may allow the children of non-residents to attend the schools of said city and shall prescribe the rates of tuition of such non-residents, payable always in ad-

[3] L. 1909, ch. 21, as generally revised and amended by L. 1910, ch. 140. See § 555.

vance; provided, that if such non-resident pupils, their parents or guardians, shall be liable to be taxed for the support of said schools, on account of owning property in said city, the amount of any such tax paid by a non-resident pupil, his parent or guardian, during the same year in which the charge for tuition was incurred, shall be deducted from such charge for tuition.

§ 177. **Annual report to commissioner of education.** Said board of education shall annually make and transmit to the commissioner of education a report in writing, which report shall be in such form and including such information as shall be required by the commissioner of education.

§ 178. **Annual statement to be published.** Said board of education shall, on or before November fifteenth in each year, prepare and publish in the official newspaper of the city of Watervliet, if such there be, a true and correct statement of the receipts and disbursements under the provisions of this title for the preceding year ending the thirty-first day of October, in which account shall be stated, under appropriate heads:

1. The amount of money raised by the city taxes for the support of public schools for the current year.

2. The school moneys received by the chamberlain of the city from the county treasurer.

3. All other moneys received by said chamberlain subject to the order of the board of education, specifying the sources from which they shall have been received.

4. The manner in which such sums of money shall have been expended, specifying the amount under each head of expenditures, and the person or persons to whom the money has been paid.

5. Such other information as they shall deem proper in regard to the condition of the schools under their care.

§ 179. **Basis for distribution of state moneys.** For the purpose of distribution of any money now or hereafter appropriated by the state, for the support of common schools, or for supervisors' quotas the said city shall be entitled to share in all of such moneys on the basis provided in the education law[4] for such apportionment to cities.

§ 180. **Estimated expenses to be reported to mayor.** The board of education shall, on or before the first day of November in each year, declare and certify to the mayor of the city the amount over

[4] L. 1909, ch. 21, as generally revised and amended by L. 1910, ch. 140 See art. 18.

and above the state moneys applicable toward the support of common schools in said city, by them deemed necessary for the purposes and uses of said board during the ensuing fiscal year of the city, other than for building or enlarging or purchasing of schoolhouses and the purchase of lots and sites therefor, not, however, exceeding the sum of fifty thousand dollars, which amount so recommended shall be inserted by the common council in the next annual tax levy, unless the same shall be reduced by the board of estimate and apportionment when such reduced amount shall be inserted in the annual tax levy unless the board of education shall by a vote of two-thirds of its members reject the same. If such reduced amount be so rejected then the original amount recommended by the board of education shall be inserted in the tax levy.

§ 181. Whenever the enrollment of pupils in the public schools of said city shall exceed the enrollment for the school year ending July thirty-one, nineteen hundred and ten, the board of education shall have authority to include in its estimated expenses to the mayor a sum in addition to the fifty thousand dollars provided for in the preceding section an amount equal to *ewenty-six dollars per capita on the excess of such enrollment over the enrollment for the said year ending July thirty-one, nineteen hundred and ten.

§ 182. **Academy or high school.** The academy or high school established in connection with the school system of the city of Watervliet shall be recognized as one of the academies of the state, subject to the visitation of the regents, and shall be entitled to participate in the distribution of the income of the literature fund and other funds in the same manner and upon the same conditions as other academies of the state, and the regents of the university of the state of New York shall pay annually the same to said city as provided in the education law.[5]

§ 183. **Bids to be received for work and materials.** Every contract for work and materials, or either of them, to be performed or furnished in the erection, alteration, improving or repairing of school buildings, fences or outhouses, when the value of such work and materials, or either of them, shall exceed, in any contract, the sum of fifty dollars, shall be awarded by the board of

* So in original.

[5] L. 1909, ch. 21, as generally revised and amended by L. 1910, ch. 140. See art. 18. See also constitution, art. 9, § 3; state finance law (L. 1909, ch. 58), § 80.

education to the lowest bidder therefor, who shall provide satisfactory security for the faithful performance of his duty under such contract, and the performance of all such work and the furnishing of all such materials, where the value of such work and materials, or either of them, shall exceed said sum of fifty dollars, shall be let by contract. Whenever it shall be necessary for said board of education to receive bids under the provisions of this section, it shall give reasonable public notice, stating the nature of the work and materials, or either of them required, and specifying the time and place at which such bids will be received by it and the security required, which shall accompany each bid, but said board of education shall reserve the right to reject any and all bids presented pursuant to this section, when public interest so requires.

§ 184. **Members of board not to receive compensation, or to be interested in contracts.** No member of said board of education shall receive any pecuniary compensation for his services as such member, nor shall any member or officer of the board participate in the profits arising from any transaction or contract entered into by the board or any member thereof as such, or be interested therein in any manner whatever. Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

ARTICLE XIII.

DEPARTMENT OF HEALTH.

Section 185. Organization.
186. Duties.
187. Registrar and records.
188. Plumbing plans to be filed.
189. Rules and regulations for control of plumbing.
190. Owner to have copy of plumbing plans.
191. Board of health may prescribe penalties.
192. Examining board of plumbers.

§ 185. **Organization.** The term of office of the members of the present board of health of the city of Watervliet shall expire on the first Monday of May, nineteen hundred and eleven, or as soon thereafter as their successors can be appointed under the provisions of this act. The present board of health shall turn over to their successors as herein created all the books, papers, records and other materials belonging to or pertaining to their

office, immediately upon their retirement. There shall be a city board of health consisting of six members. During the month of May, nineteen hundred and eleven, there shall be appointed by the common council, upon the nomination of the mayor, six members of the board of health, one of whom shall be a competent physician, two of whom shall be appointed to hold said office until the first Monday in January, nineteen hundred and twelve, two of whom shall be appointed to hold office until the first Monday in January, nineteen hundred and thirteen, and two of whom shall be appointed to hold office until the first Monday in January, nineteen hundred and fourteen. In the month of January in each year thereafter, and on and as their terms aforesaid expire, there shall be appointed in like manner two members of the board of health for the term of three years to succeed the members of said board whose term expires in that year. The mayor of said city shall be president of the board of health and said board shall be organized under the public health law of the state. The board of health shall appoint a physician to act as the health officer of the city at an annual salary to be fixed by the board of estimate and apportionment. The said officer shall be under the direction of said board of health and shall perform such duties as may be required by said board of health.

§ 186. **Duties.** The board of health and the members thereof shall have all the powers and authority and be charged with all the duties and responsibilities conferred upon and possessed by local boards of health and the members thereof under the public health law of the state.

§ 187. **Registrar and records.** The city clerk as registrar of vital statistics in and for the city of Watervliet shall keep a record of the vital statistics and shall, on or before the tenth day of each month, make out and cause to be published a report of the deaths, births and marriages occurring in the city during the previous month; he shall also make an annual report on the first day of January in each year and present the same to the board of health, and shall perform all other duties required by the general laws of the state. He shall receive for the use of the city of Watervliet all fees which by general law the registrar of vital statistics is entitled to demand and receive and pay the same over to the chamberlain of said city.

§ 188. **Plumbing plans to be filed.** After said board of health is appointed, no plumbing shall be placed in any house, business

structure or building, until the plans for same shall have been filed with and approved by the board of health. Such plans shall be kept by said board of health and be accessible to the owner or occupant of said building or structure affected by this section at all reasonable times. The plumbing in said building or structure shall be constructed according to said plans. If an alteration is desired, new plans showing the alteration shall be filed with said board of health, and approved in like manner as the original plans.

§ 189. **Rules and regulations for control of plumbing.** Said board of health shall as soon as possible after their appointment formulate rules and regulations for the better control and sanitary arrangement of plumbing in the city of Watervliet. Any plumber or contractor who shall put in any plumbing in the city of Watervliet, until his plans have been approved by the board of health, as herein provided, shall forfeit to the city the sum of one hundred dollars for each and every offense, and the said board of health may ordain that such offense shall constitute disorderly conduct, and the party so offending, a disorderly person.

§ 190. **Owners to have copy of plumbing plans.** Architects or builders who shall hereafter draw plans for or construct buildings, business structures or dwellings, in this city, shall make and leave permanently with the owner or occupant of said building, structure or dwelling, a copy of the plumbing specifications and blue print, showing the location of all drain pipes, sewer pipes, waste pipes, traps and other connections throughout the buildings, structures or dwellings herein referred to. After the passage of this act, the provisions of this article shall apply and refer to any extensions, alterations or additions to the plumbing in any building, structure or dwelling within the city limits.

§ 191. **Board of health may prescribe penalties.** The board of health may enforce obedience to the foregoing section and to its ordinances by prescribing therefor and therein penalties for each violation thereof, not exceeding one hundred dollars for any one offense. In addition to the penalty the board may also ordain that a violation thereof shall constitute disorderly conduct, and that the person violating the same shall be a disorderly person.

§ 192. **Examining board of plumbers.** It shall be the duty of the mayor, within thirty days after the passage of this act, to appoint an examining board of plumbers consisting of five persons, who shall have all the powers and perform all of the duties prescribed in and by article four of the "general city law," relative to

plumbing and drainage, the provisions of which article are hereby made applicable to the city of Watervliet.

ARTICLE XIV.

DEPARTMENT OF JUDICIARY — THE CITY COURT.

Section 200. City court; pending actions and proceedings continued.
201. Election of city judge; term.
202. Qualifications of city judge, special city judge and acting city judge.
203. Official oaths.
204. Acting city judge; appointment; duties.
205. Expenses of city court.
206. City court to be open, when.
207. Salaries.
208. Vacancy in office of city judge.
209. Civil jurisdiction of city court.
210. Summary proceedings.
211. Jurisdiction over persons of defendants.
212. Judgments.
213. Prohibition relating to interposal of counterclaim.
214. When counterclaim exceeds five hundred dollars.
215. Counterclaim against personal representative.
216. When total of accounts exceeds one thousand dollars.
217. Forms, procedure and fees same as in justices' courts.
218. Proof of attorneys' authority.
219. Adjournments.
220. Service of summons.
221. Pleadings.
222. Rules of practice.
223. Appeals.
224. Opening of defaults.
225. Competency in city actions.
226. Fees for serving papers in actions not within justice's jurisdiction.
227. Contempt proceedings.
228. Charge to jury.
229. Costs and fees.
230. Additional costs, when fifty dollars demanded.

Section 231. Additional costs, when judgment is rendered for two hundred and fifty dollars.
232. Prepayment of fees.
233. Marshal; court officer.
234. Abolishment of office of recorder; and justices of the peace; continuation of proceedings.
235. Criminal jurisdiction of city judge.
236. Practice and procedure.
237. Power to take bail.
238. Trial by jury.
239. Drawing of jurors.
240. Dockets and books open to inspection.
241. Fees for service for county and towns.
242. Disposition of unclaimed property.
243. Stolen property.
244. Limitations on foregoing sections.

§ 200. **City court; pending actions and proceedings continued.** There shall be a city court having civil and criminal jurisdiction as in this act provided. The recorder of the city of Watervliet shall be known, after the passage of this act, as the city judge and he shall be the judge of the city court and shall hold office during the remainder of the term for which he was elected. The city judge to be elected under the provisions of this act shall be the judge of said court.

§ 201. **Election of city judge; term.** The city judge shall be elected as provided in this act for the term of two years; except that the city judge elected in the year nineteen hundred and twelve shall hold office until the first day of January, nineteen hundred and sixteen.

§ 202. **Qualifications of city judge, special city judge and acting city judge.** The city judge and acting city judge shall be attorneys and counselors of the supreme court of the state of New York of not less than six years' standing and resident electors of the city of Watervliet.

§ 203. **Officials oaths.** The city judge and acting city judge to be elected or appointed as provided in this act shall, before entering upon their respective duties, take the oath of office prescribed by law[6] and file the same in the office of the clerk of the city of Watervliet.

[6] See constitution, art. 13, § 1; public officers law (L. 1909, ch. 51), § 10.

§ 204. **Acting city judge; appointment; duties.** In case of the sickness, absence from the city, disqualification or inability of the city judge to act, or in case said office becomes vacant, it shall be the duty of the mayor of the city of Watervliet to appoint an acting city judge who shall act as city judge until the city judge shall be able or qualified to act or until the vacancy in the office shall be filled. While so acting the acting city judge shall sign all papers and process as acting city judge of Watervliet and have all the powers and perform all the duties incumbent upon the city judge. The acting city judge shall be entitled to receive for his services the sum of five dollars for each day actually spent by him in the performance of his duties.

§ 205. **Expenses of city court.** The common council shall provide suitable offices for holding said city court and for the city judge, and shall furnish heat, light and suitable furniture for the same, provide necessary blank books, blanks, stationery and provide for the payment of the salaries of the city judge of the city court and for all other necessary expenses of said court, the expense of which shall be a city charge.

§ 206. **City court to be open, when.** Said city court shall be open for such civil business as may lawfully come before it each day, excepting Sundays and legal holidays, during all seasonable hours from nine o'clock in the forenoon until four o'clock in the afternoon. It shall be the duty of the city judge to attend at his office at nine o'clock in the forenoon until four o'clock in the afternoon and at all reasonable times thereafter during each week day to hear all criminal matters or matters of a criminal nature within its jurisdiction and he may at his option so attend and hear at any time.

§ 207. **Salaries.** The city judge shall receive for his services rendered under this act an annual salary of fifteen hundred dollars and such salary shall be paid to him by the city in twelve monthly installments.

§ 208. **Vacancy in office of city judge.** Whenever a vacancy shall occur in the office of city judge, the same shall be filled by election at the next general election held in said city of Watervliet, provided such vacancy does not occur within forty days prior to such election and the person so elected shall serve for the unexpired portion of the term in which the vacancy occurred. If the vacancy occur within forty days prior to such election the common council of the city of Watervliet shall fill such vacancy. Until such

vacancy be filled the acting city judge shall perform the duties and have the powers of the city judge and receive the salary in this act provided for the city judge.

§ 209. **Civil jurisdiction of city court.** Said court shall have jurisdiction of the following actions and proceedings:

a. Upon contracts. An action to recover damages upon or for breach of a contract, express or implied, other than a promise to marry, where the sum claimed does not exceed five hundred dollars.

b. For personal injury or injury to property. An action to recover damages for a personal injury or an injury to property, where the sum claimed does not exceed five hundred dollars.

c. To recover fine or penalty. An action or proceeding to recover a fine or penalty not exceeding five hundred dollars, or to recover one or more fines or penalties for a violation of an ordinance of the city of Watervliet, authorized by it, or of the provisions of the other titles of this act where the amount claimed does not exceed five hundred dollars.

d. Upon bonds. An action upon a bond conditioned for the payment of money, where the sum claimed to be due does not exceed five hundred dollars; the judgment to be rendered for the sum actually due; where the sum secured by the bond is to be paid in installments, an action may be brought for each installment as it becomes due.

e. Upon surety bonds. An action upon a surety bond taken in said court or by any justice of the peace.

f. Upon judgments. An action upon a judgment rendered in said court or in a court of a justice of the peace, or in a justice's court of a city, being a court not of record.

g. In replevin. An action to recover one or more chattels with or without damages, for the taking, withholding or detention thereof, where the value of the chattel or of all the chattels as stated in the affidavit made on the part of the plaintiff does not exceed five hundred dollars.

h. Upon confession. To render and enter judgment upon the confession of a defendant or defendants, as prescribed in title six, chapter nineteen of the code of civil procedure, where the sum confessed does not exceed one thousand dollars.

i. For fraud. In an action for damages, for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed five hundred dollars.

j. When commenced by attachment. In an action commenced by attachment pursuant to the provisions of article four of title two of chapter nineteen of the code of civil procedure, if the debt or damages claimed do not exceed five hundred dollars.

k. Summary proceedings. In summary proceedings, under title two of chapter seventeen of the code of civil procedure, to recover possession of land and to remove tenants and others therefrom.

1. For enforcement of mechanics' liens. In actions or proceedings under any statute for the enforcement of the liens of mechanics and others, where the amount of the lien does not exceed the sum of five hundred dollars, the same proceedings to be had as are provided by law to be had in a justice's court.

m. Other actions and proceedings within jurisdiction of justices of the peace. In any other action or civil proceeding of such character that a justice of the peace of a town would have jurisdiction thereof wherein the sum sought to be recovered does not exceed five hundred dollars.

But such court cannot take cognizance of a civil action in either of the following cases:

a. Where the title to real property comes in question as prescribed in title three of chapter nineteen of the code of civil procedure. But when such question arises the pleadings and practices shall be the same as are now provided by law for justices' courts in regard thereto.

b. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

c. Where, in a matter of account, the sum total of the accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

d. Where the action is brought against an executor or administrator as such, except where the amount of the claim is less than the sum of fifty dollars and the claim has been duly presented to the executor or administrator and rejected by him.

§ 210. **Summary proceedings.** Summary proceedings may be commenced by petition addressed either to said judge or to said court, and in said proceedings and in all actions the jurisdiction of the said judge shall be exercised by and in the name of the said court only, and all processes from said court shall be made returnable thereto by its proper title. In the solemnization of marriages, and in all other matters not otherwise by this act pro-

vided for, said city judge shall have the same power as justices of the peace in towns.

§ 211. **Jurisdiction over persons of defendants.** Said court shall have the same jurisdiction over the persons of defendants as is now possessed by justices' courts of towns, pursuant to the provisions of section twenty-eight hundred and sixty-nine of the code of civil procedure, and for the purpose of conferring jurisdiction of the person, the said city of Watervliet shall be deemed a town and the said court a justice's court thereof; all process and papers issued out of said city court may be executed and served anywhere within the county of Albany.

§ 212. **Judgments.** A judgment of said court shall be in all respects the same as a judgment entered by a justice of the peace of towns, except as herein provided, and all provisions of the code of civil procedure in relation to filing transcripts of such judgment and docketing the same in the office of the clerk of Albany county, or of any other county, and the effect of such judgment, when so docketed, shall in all respects be the same as if said judgment was recovered before a justice of the peace of a town. But such judgment shall be a lien and remain in force for the same length of time as a judgment originally recovered in the county court. In any case in which by law a justice of the peace is required to render judgment and enter the same in his docket within four days, the city court of Watervliet, or the judge thereof, is required to render judgment and it must be entered in the docket of said court within ten days after the case shall have been submitted for final decision, anything to the contrary herein notwithstanding, unless a longer period be agreed upon by all parties to the action or proceeding by a stipulation in writing. But a judgment shall be rendered forthwith in either of the following cases: Where the plaintiff is non-suited; where the plaintiff discontinues or withdraws his action; where judgment is confessed; where a verdict is rendered by a jury in favor of either party; where the defendant is in custody at the time of the final submission of the cause; where a judgment is rendered upon an offer made by the defendant and duly accepted.

§ 213. **Prohibition relating to interposal of counterclaims.** The prohibition contained in section twenty-nine hundred and forty-seven of the code of civil procedure relating to the failure of the defendant in an action in justice's court to interpose a counterclaim does not extend to an action in said city court to a case

where the amount of the counterclaim is five hundred dollars more than the plaintiff recovers.

§ 214. **When counterclaim exceeds five hundred dollars.** In the case provided for in section twenty-nine hundred and forty-nine of the code of civil procedure, if the amount of the counterclaim established exceeds the plaintiff's demand, the defendant must have judgment for the excess, or so much thereof as is due from the plaintiff, unless it is more than the sum of five hundred dollars, and if it be more than five hundred dollars, the city court must pursue the same course in reference to the same, as in the said section provided for a case in which it is more than two hundred dollars.

§ 215. **Counterclaim against personal representative.** Sections five hundred and five and five hundred and six of the code of civil procedure shall apply to a counterclaim in an action against a person sued in a representative capacity, or in favor of an executor or administrator, except that the defendant cannot take judgment against the plaintiff upon a counterclaim for a sum exceeding five hundred dollars and costs, and section twenty-nine hundred and forty-six of the code of civil procedure shall not apply to actions in said city court.

§ 216. **When total of accounts exceeds one thousand dollars.** Where, upon the trial of an action, the sum total of the accounts of both parties proved to the satisfaction of the city judge exceeds one thousand dollars, judgment of discontinuance must be rendered against the plaintiff with costs, and section twenty-nine hundred and fifty of the code of civil procedure shall not be applicable to the said city court.

§ 217. **Forms, procedure and fees same as in justices' courts.** The summons, the form thereof, and the time within which the same shall be returnable, and all other process, the service of process, appearances, practice, pleadings, exhibiting accounts or demand (except that a copy of account or bill of particulars may be ordered filed before the defendant shall be required to answer), amendments, adjournments, trial by court or jury, obtaining jury, offers to compromise, offers of judgment and the effect thereof, judgments by confession or otherwise, and the rendering and docketing of the same, appeals, fees, costs, disbursements and the imprisonment and discharge of judgment debtors shall in all matters, except as in this act otherwise provided, be governed by the provisions of the code of civil procedure for justices' courts, except that section twenty-eight hundred and ninety-three of the

code of civil procedure shall not apply to or govern proceedings in the city court.

§ 218. **Proof of attorneys' authority.** The attorneys' authority may be conferred orally or in writing, but the city judge shall not suffer a person who is not an attorney admitted to practice in the supreme court of this state to appear as an attorney, unless his authority is admitted by the adverse party, or proved by the affidavit or oral testimony of himself or another, and the city judge may, in his discretion, at any time before final judgment, require from an attorney admitted to practice in the supreme court, proof of his authority to so appear. For the purpose of the allowance of additional costs, as provided hereinafter, a party shall be deemed to have appeared by attorney upon the service of a copy of a pleading subscribed by his attorney upon the adverse party, or upon the filing of a pleading, notice of special appearance or other paper subscribed by his attorney, required by the provisions of this act or the code of civil procedure.

§ 219. **Adjournments.** The court must, upon the application of the plaintiff, grant a second or subsequent adjournment of the trial of the action, upon proof, by his own oath or otherwise, to the satisfaction of the court, that he cannot safely proceed, for want of some material testimony or witness, and that he has used due diligence to obtain the testimony or witness. If the defendant has been arrested, a second or subsequent adjournment shall not be made without the consent of the defendant. But the court may, as a condition of granting such adjournment, require that the plaintiff pay to the defendant the legal fees of defendant's witnesses duly subpœnaed for that day, and not exceeding two dollars, in addition thereto, or such part of such additional sum as may be just. Subject to the approval of the city judge, any action or proceeding may be adjourned after issue is joined by a stipulation in writing signed by the parties or their attorneys and filed with the court.

§ 220. **Service of summons.** The summons or summons and complaint may be served by any person qualified to serve such papers in an action in a court of record, and when service is made by any person other than a marshal, proof of service shall be made as in a court of record.

§ 221. **Pleadings.** The pleadings in said court may be oral or in writing and when in writing shall be subscribed by the parties or their attorneys, which shall be filed forthwith, or within such

time as the city judge shall designate. Whenever a verified complaint is served or filed, each subsequent pleading, except a demurrer, shall also be verified.

§ 222. **Rules of practice.** The city judge may from time to time establish such rules of practice for said city court as he may deem necessary, not inconsistent with this act or with the code of civil procedure, which rules shall govern the practice in said court. The rules so established shall, before they become operative, be approved by the county judge and a copy thereof filed in the county clerk's office of the county of Albany and be published for at least one week in the newspaper designated by the common council of the city of Watervliet as the newspaper in which its official proceedings are to be published.

§ 223. **Appeals.** Appeals may be taken to the county court from judgments rendered in said city court the same as from judgments rendered by justices of the peace. Appeals may also be taken to the county court from an order of the city judge on an application to open a default made as in the next succeeding section of this act provided, and the time within which such appeals may be taken, and the practice thereon shall be the same as apply to appeals from a judgment of a justice of the peace, the affidavits read on such application constituting for the purpose of such appeal a part of the return of the city judge. In addition to the costs required to be paid to perfect an appeal under section thirty hundred and forty-seven of the code of civil procedure the appellant shall, when the return exceeds fifty folios in length, pay to the city judge for the use of the city, the sum of ten cents per folio for all matter embraced in said return in excess of said fifty folios, but the costs required to be paid shall not include the additional costs awarded to a party under sections two hundred and twenty-nine, two hundred and thirty and two hundred and thirty-one of this act, but upon judgment affirming the judgment appealed from such costs may be included therein, except that the per centum allowed under section two hundred and twenty-nine of this act shall be computed upon the amount of the damages awarded or the value of the chattel recovered in the judgment of the appellate court.

§ 224. **Opening of defaults.** In actions in said court the city judge shall have power to open defaults and set aside judgments rendered and entered therein, and executions issued thereon, upon such terms as may be just, in a case where either party shall fail to

appear on the return day of the process, or on any adjourned day, and the party in default satisfactorily excuses his default, but no greater terms shall be imposed than the payment of the costs included in the judgment, and the sum of three dollars for opposing the motion. The application therefor shall be founded upon affidavit, and shall be made within twenty days from the entry of such judgment. Upon presentation of such application, the city judge shall issue an order returnable in not less than five days nor more than eight days, requiring the party in whose favor judgment was rendered to show cause, if any, why said judgment should not be set aside. A copy of said order and of the papers upon which the same is granted shall be served upon the party in whose favor judgment was rendered, or his attorney, if one shall have appeared in the action, not less than three days prior to the return day thereof. Pending such application and the determination thereof, the city judge may stay proceedings upon such judgment or any execution which shall have been issued. When a judgment shall be set aside, the action shall proceed as though no judgment had been rendered. The judgment, or an execution issued thereon by the city judge or out of the city court, and levy made thereunder, may, in his discretion, be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover. Parties moving in the county court to open default or obtain a new trial in said city court in cases where a motion might have been made in said city court, as in this section provided, shall show that no such application was made in the said city court. Where a transcript of judgment has been filed in the Albany county clerk's office, the city judge shall have power to direct that the judgment be canceled on the books of the county clerk, and upon the service of such order upon an officer having the enforcement of such judgment, proceedings for the enforcement thereof shall be stayed accordingly.

§ 225. **Competency in city actions.** No person shall be incompetent as judge, witness or juror in any action or proceeding in said court in which the city of Watervliet is an interested party, by reason of his being an inhabitant, freeholder or taxpayer in said city.

§ 226. **Fees for serving papers in actions not within justice's jurisdiction.** The city marshal and other persons who lawfully serve papers or execute mandates in actions or proceedings in said court shall receive and be entitled to the same fees as are allowed to constables in towns.

§ 227. **Contempt proceedings.** The city judge, while court is in session, shall have the same powers to preserve order and to punish for contempts committed in his presence as are possessed by judges of courts of record; providing, however, that an appeal may be taken from an order adjudging a person in contempt to the county court in the same manner as an appeal from a judgment. And pending the determination of such appeal the person adjudged in contempt, if he shall be imprisoned, may be admitted to bail by the judge of said court or of the county court in such an amount, and by an undertaking in such form and terms and with such sureties as shall be approved by said judge.

§ 228. **Charge to jury.** It shall be the duty of the city judge to charge the jury on questions of law whenever required by any party to an action or his attorneys.

§ 229. **Costs and fees.** In all civil actions and proceedings brought in said court the same costs and fees shall be paid, taxed and recovered as in actions or proceedings before justices of the peace. In addition thereto, there shall be allowed to the prevailing party, as an indemnity, in case he has appeared by an attorney admitted to practice in courts of record of this state, and not otherwise, the following sums as costs:

a. For all proceedings before trial, including judgment for the plaintiff upon default and upon an acceptance of an offer of judgment, to the plaintiff, three dollars.

b. Judgment for plaintiff otherwise than upon a default or upon an acceptance of an offer of judgment to the plaintiff, three dollars, and an additional sum equal to ten per centum of the recovery, not to exceed twenty-five dollars, except as provided in subdivision "e" of this section.

c. If the plaintiff recovers judgment in any action in said court for the recovery of one or more chattels the foregoing sum allowed as additional costs therein shall be estimated upon the value of said chattels as assessed by the said court or jury.

d. If judgment of non-suit is rendered for the defendant, to the defendant, two dollars.

e. If a judgment is rendered for the defendant upon the merits after trial, or if an offer of judgment be filed and an acceptance thereof be not filed and judgment be rendered in favor of the plaintiff for an amount not more favorable than that named, not including costs, in the offer of judgment, to the defendant, five dollars, and the court, in its discretion, may allow five dollars additional.

f. A defendant who recovers in said court a judgment upon a counterclaim therein or obtains a judgment for the possession or recovery of chattels sued for therein is entitled, in addition to costs heretofore allowed said defendant, to recover a sum equal to ten per centum upon said recovery, or upon the value of said chattels, not to exceed twenty dollars.

g. No costs or fees shall be allowed or recovered in an action brought upon a judgment of this court, unless such action be brought more than five years after the recovery of the judgment sued on.

h. Where the testimony of a witness is taken by virtue of a commission, or an order to take depositions, and the testimony is used on the trial, the successful party who files interrogatories or cross-interrogatories, or who was present when the depositions were taken, is entitled to three dollars costs; and in addition to the fees provided for in section thirty three hundred and twenty-five of the code of civil procedure shall tax and recover all sums paid to the commissioner taking the depositions, not exceeding five dollars.

§ 230. **Additional costs, when fifty dollars demanded.** In an action in which the complaint demands the recovery of property of the value of fifty dollars or more, or in an action in which the complaint or answer demands judgment for fifty dollars or more, exclusive of costs and disbursements, when an issue of law is raised by demurrer, the party in whose favor such issue may be decided shall be entitled to a sum, in the discretion of the city judge, not exceeding ten dollars, which shall, in case final judgment is awarded against him, be deducted therefrom.

§ 231. **Additional costs, when judgment is rendered for two hundred and fifty dollars.** In an action in which a trial is had and judgment rendered for two hundred and fifty dollars or more the city judge may, in his discretion, grant to the successful party an additional allowance of costs, not exceeding ten dollars. All costs and disbursements allowed to be taxed in any action or proceeding before justices of the peace in towns up to but not exceeding fifteen dollars shall be included in the judgment as disbursements in addition to the costs hereinbefore provided, but in actions within the jurisdiction of justices of the peace of towns such disbursements shall not exceed the limits prescribed by section thirty hundred and seventy-six of the code of civil procedure for justices.

§ 232. **Prepayment of fees.** In each action and proceeding in the city court the city judge shall demand and receive for the use of the city for each service rendered by him the same fees as justices of the peace of towns are or may be entitled to receive for a like service, and in addition thereto the per folio charge for a return in excess of fifty folios as provided in section two hundred and thirty-one of this act. And no such service shall be rendered by him until such fees shall have been paid therefor. In the case provided for in section thirty hundred and eighty-one of the code of civil procedure recovery shall be had from the city of Watervliet instead of the city judge. All such fees, together with all fines and penalties collected by the said judge of the city court during any month, shall be paid on or before the fifth day of the next succeeding month to the city chamberlain, who shall credit all fees and penalties to the city court fund, and all fines to the sinking fund, and the city judge of the city court shall thereupon forthwith file with the city clerk a complete and detailed statement, verified by his oath to be true, of all fees, fines and penalties payable to the city chamberlain by virtue of any of the provisions of this act, which were received by him during the last preceding month, with the written receipt of the city chamberlain for the payment of said money to him attached to said statement.

§ 233. **Marshal; court officer.** The mayor shall appoint two city marshals, who shall attend during each session of the city court and act as a court officer under the direction of the city judge. They shall perform such other duties as are elsewhere herein set forth, and shall have all the powers of a constable in towns. They shall receive for such services the fees of such constable unless otherwise provided, when they shall receive the fees as herein provided.

§ 234. **Abolishment of office of recorder and justices of the peace; continuation of proceedings.** The office of recorder of the city of Watervliet is hereby abolished, but all actions and proceedings pending before such recorder at the time this act takes effect shall be continued before the city court of said city, created by this act, in the same manner and with the same effect as though originally begun in said city court. All warrants and other process issued by the said recorder and not executed at the time this act takes effect shall be returnable to said city judge who shall have the same jurisdiction of the actions and proceedings in which they were issued, and of the persons against whom the same are directed as if such warrants and process had been issued by said

city judge after this act takes effect. There shall not be elected or appointed successors to the justices of the peace and constables now holding office in the city, and upon the expiration of the respective terms of such justice or justices and constables the office of justice of the peace and constables shall be abolished in said city.

§ 235. **Criminal jurisdiction of city judge.** The city judge of said city shall have jurisdiction to issue criminal process, hear all complaints and conduct all examinations in criminal cases arising within the limits of said city, subject to the power of removal provided by sections fifty-seven and fifty-eight of the code of criminal procedure, and shall have exclusive jurisdiction, in the first instance, to try and determine all offenses triable in courts of special sessions, and shall have the powers and jurisdiction conferred upon such courts by section fifty-six of the code of criminal procedure, and to impose any sentence, punishable, by fine or imprisonment, or both, as is provided in such cases by the provisions of the penal code, or by special statutes of the state. He shall also have power to try the following offenses, committed within his jurisdiction, namely: Cases of malicious mischief or injury, of offenses against public decency, selling unwholesome provisions, breach of the peace, and all other offenses of the grade of misdemeanor, under the laws of the state. He shall have exclusive jurisdiction to hear, try and determine all criminal actions or proceedings arising under or by reason of the violation of the charter or ordinances of the city, or the ordinances of the board of health thereof, and to enforce the payment of any fines imposed by such charter or ordinances. Such city judge shall also possess the powers and perform the duties of justices of the peace in towns in cases of bastardy; and such proceedings shall be governed by the provisions of the code of criminal procedure, except that they may be held and conducted before such city judge with the same force as if two magistrates were present. He shall also possess all the powers of a police justice to conduct proceedings with respect to vagrants, disorderly persons and such other matters as are conferred by the code of criminal procedure.

§ 236. **Practice and procedure.** The provisions of the code of criminal procedure relating to procedure in police courts shall apply to the proceedings in the city court of Watervliet, or before the city judge. Any judgment, order or conviction made by the city judge may be reviewed by appeal in like cases, in like manner and with like effect, as if the proceedings were before a justice of

the peace. He shall in all things relating to the manner of procedure in his court, or in arraignment or trial of parties accused, be governed by the same law as justices of the peace or courts of special sessions in towns, as such laws now exist or may hereafter be enacted, and his judgments shall have like effect, and all his proceedings may be reviewed in the same manner and in the same courts as now or may hereafter be provided by law for such review, in cases of judgments and proceedings of justices of the peace, or of courts of special sessions in towns of the state.

§ 237. **Power to take bail.** The city judge shall have power to let to bail all persons charged with crime before him, in all cases of misdemeanor and in all cases of felony, when imprisonment in the state prison, on conviction, cannot exceed five years; and shall, also, have the power to take bail in like manner as is conferred upon sergeants and captains of police by section five hundred and fifty-four of the code of criminal procedure.

§ 238. **Trial by jury.** In the city court, or before the city judge, at the time of interposing any plea which forms an issue of fact, where the right to trial by jury is secured to the defendant by the general laws of the state, the defendant may demand a trial by jury, and unless so demanded then a trial by jury is waived.

§ 239. **Drawing of jurors.** When a trial by jury is duly demanded, as above provided, the city judge must forthwith openly draw such number of ballots as he deems necessary from a box, or other receptacle, containing the names of the persons who are returned as jurors of the city for a city or municipal court therein upon the last list thereof filed in such court by the city clerk, as jurors to attend for the purpose of trying the issues joined as above stated, at a time to which the cause in which issue has been joined shall then be adjourned by him, not more than eight days from the joining of issue, unless the parties consent to a longer adjournment, which consent shall be entered in the minutes of the court. Before drawing such ballots they shall be thoroughly mingled in the box or receptacle containing them, and thereafter, except as herein otherwise provided, and so far as consistent with this act, the provisions of sections twenty-nine hundred and ninety-two to twenty-nine hundred and ninety-nine, inclusive, and section thirty hundred and six to section thirty hundred and nine, inclusive, of the code of civil procedure shall govern the further proceedings upon the issue joined as provided herein. The city judge has the powers and duties conferred and imposed upon justices of the peace under those sections. The venire must be issued in

criminal cases to a police officer, who shall have all the powers and duties of constables under those sections.

§ 240. **Dockets and books open to inspection.** All dockets and other books kept by said city judge shall, at all times, be subject to inspection and examination by the mayor, the corporation counsel or any member of the common council, and it shall be the duty of the said city judge to produce such docket or books whenever and wherever the common council shall direct; and, if he shall neglect or refuse to produce such docket or books as required, the county judge of Albany county may, on application to him for that purpose, make an order requiring the same to be produced, and enforce obedience thereto and punish disobedience thereof, in the same manner in which obedience to other orders made by him is enforced or disobedience thereof punished.

§ 241. **Fees for services for county or towns.** All fees and charges for services performed by the city judge and which are chargeable to the county of Albany or to any town therein shall be audited and allowed by the board of supervisors to and for the benefit of the city of Watervliet. The city judge shall render verified bills for such fees and charges.

§ 242. **Disposition of unclaimed property.** It shall be the duty of the city judge on the first Monday in May, in every year, to deliver an account, verified by his oath, to the mayor of said city, of all moneys, goods, wares and merchandise then remaining unclaimed in the police office, and immediately thereafter to give notice once a week for two weeks in the official newspaper, to all persons interested or claiming such property that, unless claimed by the owner with satisfactory proof of such ownership before a specified day, the same shall be sold at auction to the highest bidder. On the day and place specified in such notice, all property remaining unclaimed, except money, shall be sold at auction by said judge, or under his direction. If any goods, wares, merchandise or chattels of a perishable nature, or which shall be expensive to keep, shall, at any time, remain unclaimed in the police office, it shall be lawful for said city judge to sell the same at public auction, at such time and after such notice as to him and the said mayor shall seem proper. The said city judge shall immediately after the sale of any property in accordance herewith pay to the chamberlain of said city all moneys remaining unclaimed in his hands as such city judge, and all moneys received by him upon such sale, after deducting the expense thereof.

§ 243. **Stolen property.** It shall be the duty of the city judge,

aforesaid, whenever he shall obtain possession of any stolen property, on his receiving satisfactory proof of ownership, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred for the preservation and sustenance of such property.

§ 244. **Limitations on foregoing sections.** No property shall be sold or delivered in pursuance of the foregoing sections if the district attorney of Albany county shall direct that it shall remain unsold and undelivered for the purpose of being used as evidence in the administration of justice.

ARTICLE XV.

DEPARTMENT OF WATER.

Section 250. Appointment of water commissioners.
251. Organization of board; secretary of board.
252. General duties of commissioners.
253. Acquisition or construction of water works system.
254. Condemnation proceedings.
255. Work to be done by contract.
256. Control of works.
257. Payment of water rents.
258. Issue and sale of bonds.
259. Sinking fund.
260. Sinking fund to be kept in banks, et cetera.
261. Expenses of board.

Section 250. **Appointment of water commissioners.** Within ten days after the passage of this act, the mayor of the city of Watervliet shall appoint, by certificate in writing, signed by him and filed with the city clerk of said city, two water commissioners, who shall, with the mayor, constitute the board of water commissioners of the city of Watervliet. The mayor, for the time being, of said city shall be, ex officio, the chairman of said board, and shall be entitled to vote on all questions. The city clerk shall within five days from the filing of the certificate of such appointment as above provided for, serve a written notice of such appointment on each of the persons so appointed, by delivering the same to such person, or by leaving the same with some person of suitable age and discretion, at the residence of such appointee. One of such commissioners shall hold office until the first day of February, nineteen hundred and thirteen, and the remaining commis-

sioner shall hold office until the first day of February, nineteen hundred and fifteen; and the term of office of each of said commissioners shall be designated by the mayor in such certificate of appointment. The successors of such commissioners shall be appointed by the mayor of the city of Watervliet in the same manner as hereinbefore provided, at least twenty days prior to the expiration of the term of office of the retiring commissioners, and shall hold office for the term of four years, and the members of said board shall serve without compensation. No person shall be eligible for the office of water commissioner under this act, unless he be duly qualified to vote at elections held in said city and the holder of real estate in his own name, assessed to him on the last assessment-roll. In case of a vacancy occurring caused by death, resignation, removal from the city or otherwise, such vacancy shall be filled by the same authority and in the same manner as the appointment for a full term. Each of said commissioners shall within five days of his appointment and notification thereof as hereinbefore provided take and file with the city clerk the constitutional oath of office.[7]

§ 251. **Organization of board; secretary of board.** At the first meeting of said board of water commissioners, each commissioner having first taken and filed with the city clerk the constitutional oath of office,[7] they shall select, by ballot, some competent and suitable person, other than one of said water commissioners, to be the secretary of said board, whose duty it shall be to record its proceedings in a book for that purpose, and do all such clerical work as by this act is devolved on the board. Said secretary shall before entering upon the discharge of his duties take and file with the city clerk the constitutional oath of office. The secretary of said board shall receive a salary to be fixed by the board, not exceeding two hundred dollars per year, and he shall hold office at the pleasure of the board.

§ 252. **General duties of commissioners.** It shall be the duty of the said board of water commissioners to examine and consider all matters relating to supplying the city with a proper supply of pure and wholesome water. They shall have power to employ engineers, surveyors and such other persons as shall be necessary for that purpose, and likewise examine and ascertain whether it would be practicable for and advantageous to the city to acquire title to the whole or any portion of the plant and system of any

[7] See constitution, art. 13, § 1; public officers law (L. 1909, ch. 51), § 10.

existing corporation. They may adopt such plans as in their opinion may be most feasible for procuring such a supply of water for protection against fire and manufacturing and domestic purposes. Such plan shall embrace the necessary lands, rights, easements, buildings, reservoirs, water towers, machinery, pipes, hydrants, supplies and incidentals for such purpose. They shall cause a careful estimate to be made of the cost and expense of the same. The expense of the work and service hereinbefore directed, and also the salary of the secretary of said board of water commissioners, shall be a charge against the city of Watervliet, to be paid by the chamberlain, upon the warrant of the board of water commissioners, from funds to be raised especially for said purpose by the common council of the city of Watervliet by tax upon the taxable property throughout said city, in the same manner that other city taxes are authorized to be levied and collected. And until such time as the city of Watervliet shall own a system of water works in full operation, the said board of water commissioners are hereby authorized to make contracts not to exceed five years in duration, from time to time, with any existing corporation, at an expense not exceeding ten thousand dollars per annum, for a supply of water to said city for public purposes. It shall be the duty of the common council of said city, upon notification from the board of water commissioners of the fact of such contract or contracts being made, to assess and levy the amount required for the fulfillment of the same in accordance with the provisions of the charter of the said city of Watervliet.

§ 253. **Acquisition or construction of water works system.** Upon the adoption of any plan as hereinbefore specified, and the completion of the estimate provided for, the said board of water commissioners shall, in writing, notify the common council of the city of Watervliet of such fact, accompanying the same with a full statement of said plan and estimate. Said common council shall, from time to time and until a plan be approved by the taxpayers, and within ten days after receiving any plan adopted by the board of water commissioners, issue a call for a special election by the taxable inhabitants of the city, at which the question of accepting or rejecting the plan adopted by said board of water commissioners shall be voted upon. Provision for said election shall be made in the manner provided for special elections by taxpayers for extraordinary expenditures pursuant to the provisions of the charter of the city of Watervliet. A certificate in writing of the result of said election shall be signed by the inspectors of such

election, and within forty-eight hours after such election, filed with the city clerk, whose duty it shall be to report the same to the common council at its first regular meeting held thereafter. If the majority of the ballots cast at any such special election of taxable inhabitants shall be in favor of the acceptance of the plan adopted by the board of water commissioners, and if such plan shall be approved by the state water commission, as provided by chapter seven hundred and twenty-three of the laws of nineteen hundred and five, and the acts amendatory or supplemental thereof, then the said board of water commissioners shall proceed to acquire or to construct and build, or to acquire a portion and to construct and build a portion of, the necessary system of water works for the city of Watervliet, according to the plan and estimate hitherto adopted by them. They shall have power to contract for, purchase and take by deed, or other instrument under seal, in the name of said city, all lands, streams, water, water rights, or other property, real or personal, or rights therein situate at any place within the county of Albany and any county adjoining thereto, which may be required for the purpose, and also the right to lay, relay and maintain pipes through lands, and to take, detain or divert water or streams of water which may be required for the purpose, without taking the fee of lands through which the pipes are laid or over which such streams or water flow. They shall have power to contract for the execution of the work or any part thereof, or the supply of any necessary material. The said board of water commissioners and their servants and agents are authorized to enter upon any lands, streams or water for the purpose of making surveys and to agree with the owner of any such property or right which may be deemed necessary for the purposes of this act, as to the amount of compensation to be paid such owner. The said board of water commissioners and all persons acting under their authority shall also have the right to use the ground or soil under any street, highway or road within the city of Watervliet or any adjoining town, for the purpose of introducing water into and through any and all portions of said city of Watervliet, on condition that they shall cause the surface of such street, highway or road to be relaid and restored to its usual state, and the damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

§ 254. **Condemnation proceedings.** Whenever said board of water commissioners shall for any reason be unable to agree with

the owner or owners of any lands, streams, water, water rights, or other real property, or right, interest or easement therein or appurtenant thereto, which may be required in the acquiring, constructing or maintenance of said system of water works, as to the value thereof, they shall proceed to obtain the necessary title thereto in the manner provided by title one of chapter twenty-three of the code of civil *proceedure, known as the condemnation law.

§ 255. **Work to be done by contract.** Said water works, or any portion thereof as under the provisions of the plan adopted and accepted it will be necessary to construct, shall be constructed by contract. Said board of water commissioners shall advertise at least once in each week for three successive weeks, in a newspaper published in said city of Watervliet, and also in another newspaper selected by said board of water commissioners, for sealed proposals for the construction of said works, or portion thereof, as the case may be, and furnishing of materials for the same, either under one entire contract, or in parts under several contracts, as they shall deem for the best interests of the city. Said board of water commissioners shall have full discretion as to the acceptance or rejection of all sealed proposals. Every person who shall enter into any contract for the supply of materials or the performance of any work shall give satisfactory security to such board of water commissioners for the faithful performance of his contract according to its terms, and to indemnify and save harmless the said city of Watervliet, and the said board of water commissioners from any and all expense or damage for which it or they may become liable or put to by reason of any negligence or carelessness on the part of said contractor, his or their agents, servants or employees, or from improperly guarding any and all excavations, trenches, accumulations or obstructions caused by or made in the prosecution of the work contracted for, or from neglecting or refusing to restore the surface of any highway, street, alley, lane or place through or under which the water pipes shall have been laid, to a proper and safe condition. No commissioner shall be in any way or manner interested, directly or indirectly, in furnishing any material or labor for the construction aforesaid, or in any contract relating thereto.

§ 256. **Control of works.** Said board of water commissioners shall have full control of the said system of water works and everything pertaining thereto, and shall exercise the powers and

* So in original.

fulfill the duties connected with and incident to the management of the same, including the making of regulations as to the use of the water, and enforcing the observance thereof by cutting off the use and supply of water. Said commissioners and their employees shall be authorized at all times to enter into any building or place where water is used from supply pipes, to examine as to the water, quantity of water used and the manner of using it. They shall establish a scale of annual rents to be charged and paid annually for the supply of water, or for the benefits resulting therefrom, to be called water rents, which shall be apportioned to the different classes of buildings in reference to their dimensions and the use of water for the same, and to different lots, as may be practicable, and from time to time to modify and amend, increase or diminish such rates and to extend them to other descriptions of buildings, lots, establishments and uses. Said board may sell to any corporation or individual outside of the city the right to make connections with the mains for the purpose of drawing and using water therefrom, and may fix the prices and conditions therefor; but the board shall not sell or permit the use of water to or by corporations or persons outside the city if by such use the supply of water for the city or its inhabitants will be insufficient.

§ 257. **Payment of water rents.** Said water rents shall be paid promptly to the chamberlain of the city, at the times designated by the board of water commissioners, and any and every consumer or user of water who shall be in default in the payment of the aforesaid rent for a period of thirty days shall be at once reported in writing by said chamberlain to said board of water commissioners. The water rents so paid to the chamberlain of the city shall be kept by him in a separate fund, to be known as the "water rent fund," and shall be applied to and used for the payment of the expenses incident to the running and maintenance of the said water works, to be paid out by the said chamberlain to the respective parties entitled thereto, upon the warrants of the said board of water commissioners. If in any year the entire receipts for water rents shall be more than sufficient to meet such expenditures, then the surplus thereof shall be applied toward the payment of the interest falling due the next following year on the bonds hereinafter authorized to be issued.

§ 258. **Issue and sale of bonds.** For the purpose of defraying the cost of providing the said city of Watervliet with such system of water works and appurtenances and all rights, property and privileges incident thereto, and for expenses incidental thereto and

connected therewith, the bonds of the city of Watervliet to such an extent as shall be necessary, the whole principal amount, however, not to exceed three hundred and fifty thousand dollars, shall be issued by the common council of said city. Said bonds shall be numbered consecutively and shall be known as the "water bonds of the city of Watervliet." They shall be made of the amount of one thousand dollars each, with coupons attached, and bearing semi-annual interest at the rate of four and one-half per centum per annum, payable on the first day of August and February in each year. Said bonds shall be executed by the mayor, under the corporate seal of the city, and attested by the city clerk. All of said bonds shall be made payable not more than twenty years from the date of issue, and at such place or places as the common council may by resolution direct. The common council shall by resolution authorize the issue and sale of said bonds at such time or times and in such amount only as the said board of water commissioners shall request. Upon the passage of any resolution authorizing the sale of water bonds, the city chamberlain shall properly advertise for proposals for the purchase of the bonds so authorized to be sold, and shall sell them to the party or parties offering to pay the highest price therefor, not less than par. Upon the sale of said bonds the city chamberlain shall forthwith transmit to the secretary of the board of water commissioners a statement showing the amount of water bonds sold and the amount realized thereon, and the expenses of said sale. He shall also furnish the common council a detailed statement showing the date and number of each bond sold, the prices realized and the name of the purchaser.

§ 259. **Sinking fund.** A sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. Such sinking fund shall be created and maintained as follows, namely: Out of the surplus earnings from the operation of the water works system, after the payment of the cost of the operation, management and maintenance of the water works system, and the payment of the interest upon the outstanding water bonds issued by said city pursuant to this act, the board of water commissioners shall, upon and after the issue of any such bonds authorized hereby, create a sinking fund for the redemption and payment of such bonds, principal and interest, at the maturity thereof, by setting apart annually an amount sufficient to produce at the maturity of said

bonds a sum equal to the principal and interest then to become due. If and whenever the revenue as above from the water works shall be insufficient to enable the board of water commissioners to provide for the sinking fund requirement and for the interest upon any such water bonds, said board shall report the fact and the amount of the deficiency to the mayor and common council to provide for such deficiency and pay the same in the same manner as it may provide for the payment of the principal or interest of other bonded indebtedness of said city. And the common council are hereby authorized to levy and collect the sum necessary in the same manner as other city taxes, and if necessary may make a temporary loan or loans therefor in anticipation of the tax levy.

§ 260. **Sinking fund to be kept in banks, et cetera.** The sinking fund herein provided for and all money belonging thereto shall be kept by the city chamberlain deposited in such bank or banks, trust company or trust companies, and in such savings bank or savings banks, as shall be designated by the common council, and at such rate of interest thereon as may be agreed upon between such banks and trust companies respectively and the city chamberlain, subject also to the approval by the common council. No such deposit in any discount bank or trust company, however, shall at any time be authorized in excess of twenty-five per centum of the capital stock and reported surplus of such bank or trust company. All such deposits shall be made in accounts separate from other city funds and such accounts shall be designated as "Watervliet water board sinking fund." No moneys shall be withdrawn from any such account except upon the warrant of the city chamberlain, authorized by resolution of the common council, and for the payment, redemption or purchase of the bonds or some part thereof, for the redemption of which such sinking fund was created; or for the transfer of such fund or some part thereof to another depository designated or approved therefor by the common council. Any bonds paid, redeemed or purchased shall be at once cancelled and returned with a report thereof to the common council. The funds remaining in said sinking fund at any time, or any part thereof, may, however, be invested by the city chamberlain, upon resolution of the common council, approved by the mayor, in any interest-bearing obligations of the United States or of any municipality of the state of New York, the validity of which shall have been first approved by the city attorney of the city of Watervliet.

§ 261. **Expenses of board.** The expenses of said board of water commissioners, and all indebtedness or contract liability in-

curred by them under the provisions of this act, shall be paid by the chamberlain of said city of Watervliet upon the warrant of said board of water commissioners. All warrants of said commissioners must be authorized by a vote of a majority of their number, and be signed by the president and secretary thereof. Said board shall on the first day of November file with the city clerk a report for the year ending that day, containing a statement of the following facts:

1. The amount of money in the "water rent fund" at the beginning of the year, and the receipts from all sources during such year.

2. An itemized statement of the claims audited during such year.

3. The improvements and extensions made during such preceding year and the general conditions of the water works.

4. Such other facts as the board deems important for the information of the public, together with such recommendations concerning such water works as may be deemed proper.

ARTICLE XVI.

ASSESSMENTS AND TAXES.

Section 270. Assessors to prepare assessment-roll.
271. Review of assessment.
272. Equalization and levy for state and county taxes.
273. Levy of taxes by common council; tax-roll.
274. Issue of tax-roll and warrant to chamberlain.
275. Notice of receiving taxes; *terms for paying taxes; tax receipts.
276. *Collection of taxes by sale of personal property.
277. Collection of taxes by civil action.
278. Proceedings in case of failure to collect tax on warrant.
279. Notice for the sale of land for taxes.
280. Manner of conducting sale of land for taxes.
281. Disposition of proceeds of sale.
282. Redemption of land.
283. Notice of redemption.
284. Conveyance of real estate sold for taxes.
285. Settlement by chamberlain for taxes collected.
286. Power of common council as to void and erroneous assessments.

* So in original.

Section 270. **Assessors to prepare assessment-roll.** The assessors shall in each year prepare an assessment-roll and a duplicate thereof, both of which shall be deemed originals of the persons and property taxable within the city, in the same manner and form as is required by law for the preparation of town assessment-rolls, except as modified by this act. In the assessment of any land in said city for any purpose, it shall be sufficient to state the name of one of the owners or occupant of said land, and also the street and number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street on which it fronts shall be given. In case no inhabited building is on the land, the owner may be designated as unknown. No error in the name of the owner or occupant of property so assessed shall invalidate the assessment. The assessors on the first day of August in each year shall complete such assessment-roll and shall file the same with the city clerk and shall forthwith give notice by posting such notice in three public places in each ward in the city, and by publishing once in the official paper that such roll is completed and filed in the office of the city clerk, and that all persons interested may examine the same at the city clerk's office and that also on the third Tuesday of August next ensuing, at a place specified in such notice, the board of assessors will sit to review the same, for four consecutive days thereafter, from nine to twelve o'clock in the forenoon, from two to four and from seven to nine o'clock in the afternoon.

§ 271. **Review of assessment.** The assessors shall meet at the time and place specified in such notice and review the assessment. Their sessions shall not be continued beyond the first day of September. During the time the assessors review any tax or assessment they shall have power to add or insert in such assessment-roll any property liable to assessment and the valuation thereof which may have been omitted from such roll, upon giving personal notice to the owner of such property or to his agent, or to the occupant thereof if the same be real property, at least two days prior to adding the same. Except as modified by this act, the board of assessors shall have all the powers given by the tax law of the state of New York to assessors sitting to hear complaints in relation to assessments, and the proceedings in relation thereto shall be the same as provided by the tax law[8] of the state. Any person assessed upon the assessment-roll, claiming to be aggrieved by any

[8] L. 1909, ch. 62. See § 37.

assessment for property therein, may review the same in the manner provided by law. On or before the fifteenth day of September the corrected assessment-roll, together with the assessors' minutes, shall be filed in the office of the city clerk.

§ 272. **Equalization and levy for state and county taxes.** The city clerk shall immediately thereupon proceed to prepare the roll for the ensuing year. He shall, upon the written direction of the assessors, correct all clerical errors appearing therein, and shall deliver the duplicate original of the assessment-roll as corrected, and certified under the seal of the city, to the chairman or clerk of the board of supervisors of the county of Albany, in the first week at its next annual meeting. The board of supervisors of Albany county shall in each year equalize the assessments within the city of Watervliet with the assessments of the town in said county, in the same manner as the assessments are required by law to be equalized between such towns. The board of supervisors shall not cause the state and county tax apportioned to said city to be spread upon any tax-roll of property within the city, but shall, by resolution, ascertain and direct the amount of tax to be levied in the city for state and county purposes, and shall, on or before the fifteenth day of December in each year, certify such resolution under the hands of the chairman and the clerk of the board of supervisors, to the common council of the city and file such resolution, together with such assessment-roll, with the city clerk.

§ 273. **Levy of taxes by common council; tax-roll.** The common council must annually cause to be levied and raised by general tax upon all taxable property, real and personal, in the city, according to the valuation upon the assessment-roll for the current year, corrected as aforesaid:

1. The amount of taxes certified to the common council of the city by the board of supervisors, to be assessed upon the city.

2. The various funds for the maintenance and conduct of the city business and affairs.

3. Such amounts as shall be necessary to meet the principal and interest on the bonded and other indebtedness of the city falling due during the fiscal year for which the tax is levied and to meet all indebtedness remaining unpaid on all judgments against the city; and such further sums as shall have been voted at a regular city election, or at a special city election called for the purpose, and also for such other sums as the common council or any of the boards created hereinunder is authorized to expend for purposes specified in this act.

§ 274. **Issue of tax-roll and warrants to chamberlain.** The city clerk, under the direction of the common council, shall extend and apportion the state, county and city tax upon the assessment-roll delivered to him in each year, and no other extension and apportionment of the state and county tax need be made. Such roll shall then and on or before the fifteenth day of January, or as soon thereafter as practicable, be delivered to the chamberlain of the city with a warrant annexed, under the seal of the city, commanding him to receive, levy and collect sums in the roll specified as assessed against the person or property therein mentioned, or described, with such percentage or penalty and interest as is in this act provided. From the time of the receipt of the tax-roll and warrant by the chamberlain, all taxes assessed and levied upon any real estate shall be a lien upon such real estate for the amount thereof with percentage and interest, until the same shall be fully paid.

§ 275. **Notice of receiving taxes; time for paying taxes; tax receipts.** Immediately on the delivery of the city roll and warrant to the chamberlain, he shall publish a notice in the official newspaper of the city, that he will attend at his office with said roll and warrant, for thirty days next after the first publication of said notice, Sundays and legal holidays excepted, from nine o'clock in the morning to four o'clock in the afternoon, to receive city, county and state taxes, and it shall be his duty to attend accordingly. Upon all taxes paid before the fifteenth day of February, succeeding the delivery of the assessment-roll to the chamberlain as aforesaid, a deduction of one per centum will be allowed on the amount of the taxes paid; on all taxes paid on and after the fifteenth day of February and before the fifteenth day of March there shall be neither interest charged nor deduction allowed; upon all taxes paid on and after the fifteenth day of March and before the fifteenth day of April the city chamberlain shall collect one per centum on the amount of taxes so paid; upon all taxes paid on and after the fifteenth day of April and before the first day of June the chamberlain shall collect two per centum on the amount of taxes so paid; and upon all taxes paid after the first day of June and before the thirty-first day of December next ensuing one-half of one per centum per month on the amount of taxes so paid will be charged; and the said chamberlain is hereby authorized to make said deduction and required to charge and collect such percentage, which said percentage shall be paid over and accounted for by said chamberlain as part of the taxes collected by

him. Immediately upon receiving any tax the chamberlain shall enter in a column of a book prepared for the purpose and opposite the names of the persons or corporation paying the same, the fact of payment and the date thereof, and shall give the person paying the same a receipt therefor. All receipts issued by the chamberlain for taxes paid to him shall be numbered consecutively, commencing with number one on the first receipt issued for taxes for any one year, and he shall not receipt for more than one year's taxes on the same property in one tax receipt; but shall use a separate and distinct series of numbers or receipts, issued for the taxes of each year for which the same is levied and assessed. The city clerk shall cause all tax receipts to be printed and numbered and firmly bound together in book form, and to be in duplicate and each duplicate to bear the same number.

§ 276. **Fees and proceeding in collection of taxes after December thirty-first.** If any such tax shall remain unpaid on the first day of April after the delivery of the assessment-roll and warrant to the chamberlain he shall thereupon cause a written or printed notice to be given to every person residing in the city, or transacting business therein, from whom such tax may be due, specifying the amount of the tax and the percentage thereon, and requiring the same to be paid on or before the thirty-first day of December of the same year at his office, and also stating that if such tax is not so paid that the chamberlain will add to and collect interest on such tax at the rate of one per centum per month, to be computed from the first day of April preceding the said thirty-first day of December, which said percentage of one per centum the chamberlain is hereby required to collect. Such notices shall be served on the persons assessed by depositing the same in the post-office in the city of Watervliet, inclosed in securely-sealed post-paid envelopes and addressed to the person or persons assessed, at his address given in the last city directory or to Watervliet, New York. If any of the persons assessed shall be known by the chamberlain to reside in any other place, their notice shall be directed to such other place. It shall not be necessary to make any other demand of payment of said tax and the said notice so served shall be deemed a full compliance with the statute which requires a collector of taxes to call at least once on the person taxed, or at the place of his usual residence, and demand the payment of the taxes charged to him or his property.

§ 277. **Collection of taxes by civil action.** The chamberlain is hereby authorized and empowered to recover, by action in any

court of competent jurisdiction and in the corporate name of the city, the amount of every tax remaining unpaid after the thirty-first day of December next after the delivery of said assessment-roll, with the additions and fees unpaid thereon, and to recover judgment therefor with the cost and expenses of such action. The city court shall have jurisdiction to try such action when the sum claimed does not exceed five hundred dollars. A transcript of the judgment obtained in such action may be filed and such judgment docketed in the office of the clerk of Albany county, and it shall, however small the amount, thereupon become a judgment of the county court of said county, and a lien to the amount of said judgment upon real estate of the judgment debtor, situate in said county, and shall have the same priority over any other lien or incumbrance upon or transfer of the property charged with the tax, for which such action was brought as the lien of the tax sought to be recovered in said action. Upon any judgment recovered for said unpaid taxes and docketed in said county clerk's office, execution may be issued and collected as provided by law and all the provisions of law in reference to sale and redemption of real estate on execution, or to proceedings supplementary to executions, shall apply to sales, redemptions or such proceedings which may be had under this act.

§ 278. **Proceedings in case of failure to collect tax.** On or before the fifteenth day of June of the year next after any tax shall have been imposed upon any real estate in said city, and the receiving of the tax-roll, the chamberlain shall make and deliver to the assessors a transcript of any and all such taxes which remain unpaid. The assessors shall revise the same and complete such revision within fifteen days, and they shall give public notice that they will meet at the city clerk's office at the end of ten days after receiving such transcript, at a time to be designated by them, to hear objections and to correct any errors which may have been made. Such notice shall be given by publishing the same at least once in the official paper of the city, if such there be, if not, by posting three notices in each ward of the city, said notice to be published or posted at least one week prior to the date of said meeting. And it shall be the duty of the assessors on or before the fifteenth day of July thereafter to make and deliver to the chamberlain such corrected statement, containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such land shall have been erroneously assessed then it shall be the duty of such officer to

make and include in said statement a correct assessment at the same valuation as before, and such corrected assessment and the amount of taxes levied upon said lands, shall be valid and effectual for all purposes as though they had originally been correct. The chamberlain shall retain said list in his office and collect said taxes and interest thereon at the rate of twelve per centum per annum to be computed from the thirty-first day of December of the year in which the city clerk delivered the assessment-rolls to the chamberlain. Whenever any such tax, penalty or any part of either of them shall remain unpaid on the thirty-first day of December following the delivery to the chamberlain of such corrected statement and assessment, the chamberlain shall proceed to advertise and sell the lands upon which the same was imposed, for the payment of such tax, penalty or the part remaining unpaid, and the expenses of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

§ 279. **Notice of sale of lands for taxes.** The chamberlain shall cause to be published a notice of such sale containing a description of the lands to be sold and specifying the time and place of sale, in the official newspaper of the city, once a week for at least six successive weeks, immediately prior to the day of sale, and shall also post such notice of sale in at least three public places in the city at least forty-two days before the day of sale. On the day named the chamberlain shall commence the sale of such lands, and shall continue such sale from day to day until the whole thereof shall be sold. Before the sale the owner of any parcel of land, or his representatives or any person interested therein may avoid the sale thereof by paying the tax or taxes to the chamberlain, with all accrued fees, interest additions and expenses.

§ 280. **Manner of conducting sale of land for taxes.** Each parcel shall be sold at public auction to the highest bidder. The purchasers on such sale shall pay the amounts of their respective bids to the chamberlain immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the chamberlain shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the chamberlain shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the chamberlain shall prepare

and execute in duplicate, as to the parcel sold, a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the person or persons against whom such tax was assessed and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the chamberlain. The chamberlain shall deliver the other duplicate certificate to the clerk of the county of Albany, who shall file said certificate in his office and record the same in a book to be kept in the said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the purchaser in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents for each certificate so filed and recorded, which fee shall be paid by the chamberlain and shall be a part of the expenses of the sale of the parcel. If from any cause the chamberlain shall be unable to attend at the time and place of sale, the city clerk of said city may conduct the sale with the same force and effect as though made by the chamberlain.

§ 281. **Disposition of proceeds of sale.** The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax or penalty for which it was sold, and if there shall be any residue the chamberlain shall hold the same until the owner of the premises at the time of such sale shall redeem them from the sale as herein provided, and the chamberlain shall pay such owner the surplus. In all other cases the chamberlain shall hold the same until after the period of redemption shall have expired and then he shall pay such surplus to the party entitled thereto, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus on statutory foreclosure of mortgage on real estate. In case any taxes shall be assessed and levied upon real estate which has been sold for taxes, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser, and the same shall be unpaid, the chamberlain may deduct the amount thereof from any surplus in his hands received from such sale; if there shall be no surplus, or it shall be insufficient to pay such taxes, the person redeeming shall

pay the said amount, otherwise the purchaser shall pay the same before he shall receive his conveyance of the said property.

§ 282. **Redemption of lands.** The owner of, or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within two years by paying to the chamberlain, for the use of the purchaser or his assigns, or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of ten per centum per annum from the day of sale, together with any tax or assessment upon said parcel or any part thereof paid by said purchaser or his assigns, or persons before redeeming with interest at the rate of ten per centum per annum upon such tax or assessment from the time of payment. The time during which such redemption may be made shall not commence to run against infants or incompetent persons until the termination of their disability. In case of the redemption of any land sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the chamberlain shall give such owner a receipt for the amount paid by him to effect such redemption and on the production thereof by such owner to the county clerk, he shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office.

§ 283. **Notice of redemption.** At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the chamberlain shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least twice in each of said three months, in the official newspaper of the city. A copy of such notice shall be served personally on the owner or occupant of the lands, or, if unoccupied, posted on the premises, at least twenty days before the expiration of such time for final redemption. The publication and service of such notice shall bar and preclude any and all persons except the purchaser at such sale, or his assigns, or the person finally redeeming, from claiming any interest in or lien upon such lands or any part thereof, in case the said land shall not be redeemed from such sale as hereinbefore provided.

§ 284. **Conveyance of real estate * for taxes.** If any parcel or lot so sold shall not be redeemed as herein provided, the chamberlain, immediately after the expiration of the said two years, shall execute and deliver to the purchaser, his heirs or assigns, upon demand or to the city or its assigns, or to the person finally redeeming as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes or assessments thereon. The chamberlain executing such conveyance shall be entitled to demand and receive from the grantee two dollars for preparing every such conveyance, but all purchases made for the city in any year shall be included in one conveyance, and no fee shall be charged therefor. Every such conveyance shall be executed by the chamberlain and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments or instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate. The said grantee or his assigns or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 285. **Settlement by chamberlain for taxes collected.** It shall be the duty of the chamberlain to pay over to the treasurer of Albany county at the end of each month during the period the tax roll and warrant is in his hands all moneys received by him for county and state taxes. He shall take duplicate receipts for each payment, one of which shall be immediately filed with the city clerk. All other moneys received by him for taxes shall daily be deposited in such bank or banks as are made depositories of the city by resolution of the common council. Except as otherwise provided by this act the chamberlain shall settle with the county treasurer for state and county taxes in the manner required by

* So in original.

law of town collectors, and with the common council for city taxes and assessments in the same manner. At the time of the delivering to him of the rolls and tax warrants the chamberlain shall receipt for the same, and shall then be charged with the whole amount, which he is thereby authorized to collect. He shall not be authorized to credit himself with any amount as unpaid on any warrant until he shall make and file with the city clerk an affidavit stating the amount unpaid, and setting forth the reason in each case why such tax or assessment is or has not been collected. The common council may thereupon order and authorize said chamberlain to credit himself with the whole or any part of said tax or assessment unpaid and the chamberlain shall be credited only with such amount as the common council shall so order. Upon settling with the common council the chamberlain must show that he has duly settled with the county treasurer for state and county funds. The city clerk shall, on the delivery of the blank tax receipts to the chamberlain, charge the chamberlain with the number of receipts delivered, and the chamberlain shall immediately examine the numbering of the receipts and report to the city clerk any irregularity found therein. The chamberlain shall receipt to the city clerk therefor, and shall be held strictly accountable for all receipts found missing at regular settlements; also for all detached receipts, including receipts, the duplicates of which do not show the entry of taxes. All irregularities in the issuance of receipts that render them worthless must be shown on the face of the original, which must in no case be detached from the duplicate. At the time of the annual settlement the chamberlain shall deliver to the city clerk all duplicates of receipts issued by him, and other receipts delivered and charged by the city clerk to him.

§ 286. **Powers of common council as to void and erroneous assessments.** The common council of the city may, in its discretion, release, discharge, remit or commute any portion of the taxes assessed or levied against any person or property for any error, irregularity or omission in the levying of said taxes, or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this act, or the laws in force when such tax was levied, or in case of error in the description of lands or in the description of the owner or occupants, the common council may, in its discretion, or upon the application of any person interested, proceed to correct such irregularity, omission or error,

or cancel, remit or commute such tax, or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the common council is hereby authorized and empowered to make such reassessment upon giving ten days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid. It may direct the city chamberlain to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made. But the common council shall not alter any valuation made by the assessors. Any omission to comply with the provisions of this act in making an assessment or levying a tax, or creating a lien, shall not render such assessment or the tax levied thereunder or the assessment made or lien created thereby void, but shall be treated as an irregularity merely and it shall be the duty of any and all courts in case it shall appear that such irregularity exists to direct the same to be corrected or amended or the omission supplied, if possible. In case any tax or assessment shall be void, or have failed for want of jurisdiction or for any irregularity, mistake or inadvertence in levying or assessing the same, the common council shall have the power, and it shall be its duty, to cause the same to be reassessed in a proper manner. Any sum paid thereon shall be credited upon the tax so reassessed, and, if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto.

ARTICLE XVII.

LOCAL ASSESSMENTS.

Section 290. Power of the common council as to local improvements.
291. Opening, altering or extending streets or public grounds and assessments of benefits and payment.
292. Declaration of intention to make local improvements.
293. Special provision as to sewers.
294. Proceedings to obtain right of way.
295. Costs and expenses.
296. Paving, repaving or macadamizing.
297. Assessments payable in installments.

Section 298. Notice of sale in case of non-payment of assessments.
299. Redemption from sale.
300. Bonds for pavements, et cetera.
301. Macadamizing or slagging without petition, et cetera.
302. Establishing of grade, et cetera.
303. Change of grade of streets, et cetera.
304. Curbs and gutters.
305. Cleaning sidewalks and gutters of snow and ice.
306. Work may be done by contract.
307. Guardian ad litem for infant defendants.
308. Errors and irregularities may be corrected.
309. Taxes and assessments under this title, lien of.
310. Description of premises.
311. Rebates and deficiencies.
312. Assessment not invalidated by irregularities.
313. Right to review assessment or tax for local improvement limited.
314. Procedure on review.
315. Consolidation of separate proceedings.
316. State lands.
317. Taxpayers to vote on extraordinary expenditures.
318. Limitations.

§ 290. **Power of common council as to local improvements.** The common council may by ordinance provide for

1. The laying out, opening, constructing and making of streets, public grounds, squares, parks, sewers, drains, culverts, arches and bridges in said city.

2. Widening, narrowing, altering or discontinuing of any street, public ground, square or park, or any part thereof in said city.

But no street, or any part thereof, shall be discontinued, except upon written petition, duly signed and acknowledged, of all persons owning the lands fronting upon the street, or upon the part so discontinued.

§ 291. **Opening, altering or extending streets or public grounds and assessments of benefits and payment.** Whenever the common council shall intend to lay out, alter, widen, extend, contract or discontinue any street, lane, alley, highway, sewer or public grounds in said city, and the lands of any person or corporation, or

any right or easement therein shall be necessary for such purpose; and whenever the common council shall intend to acquire lands, rights or easements therein for any purpose mentioned in this act, it shall cause the same to be surveyed and monuments placed showing the line thereof, and a map to be made of the same which shall be filed in the city clerk's office, showing upon such map the lots, tracts and parcels of land and rights or easements therein, that are deemed necessary to be taken, and the commencement, course and termination of the street, lane, alley, highway or park proposed to be laid out, widened, extended or altered or other work or improvement proposed to be made in or through the land so to be taken. And for that purpose the city engineer and those acting under his direction shall have power to enter upon any grounds in said city. The common council shall then declare by resolution its intention to take and appropriate the said property for the proposed improvements, and thereafter it may, subject to the provisions of this act, purchase of the owner or owners thereof the land or right or easement therein deemed necessary, and make him or them such compensation as the common council shall judge reasonable upon receiving from such owners or owner a conveyance thereof to the city. In case the common council is unable to agree with the owner or owners for the purchase of any real estate or land or right or easement therein required for the purpose aforesaid, the city shall acquire the same by condemnation proceedings under the provisions of the condemnation law of this state, chapter twenty-three of the code of civil procedure, and amendments thereto. No one shall alter the condition of any part of said land, except to plant and harvest crops thereon, after such map is so filed, while such proceedings are pending, and a violation of this provision shall constitute a misdemeanor. After such damages shall have been ascertained and determined, said common council shall declare a district of assessment therefor, and the common council shall direct such part of the amount of such damages and expenses to be assessed upon the city and such part locally as they shall deem just. The common council shall then direct the city assessors to assess the amount awarded for damages and expenses so directed to be borne by the property benefited locally specifying the aggregate amount of the same, upon the property within such district of assessment. The assessors shall proceed to assess such amount upon the property benefited by such improvement in a just and equitable manner, and as near as may be, in proportion to the

benefits received; such assessment shall be made in the same manner as other local assessments. When the assessment-roll shall be filed, the assessment may be appealed from in the same manner and the common council shall possess the same powers in reference thereto and proceed in the same manner as on appeals from other assessments. Within three months after the final determination of all proceedings in which any award shall have been made, and before taking possession of the property, the common council shall cause to be paid or tendered to the respective owners the amount awarded to each, respectively, less any sum which shall have been assessed against them for any benefits on account of such improvement. In case any such owner shall refuse the same, or be unknown or non-resident of the city, or for any reason be incapacitated from receiving the amount, or the right thereto be disputed or doubtful, the common council may make payment of the portion to the county treasurer of the county of Albany and file a statement of facts and circumstances in each case, and a transcript of the report of the commissioners relating to the ascertainment of the amount so paid in, with the clerk of Albany county, and said clerk shall make a report to the supreme court, at its first term held in the county, of the amount thus deposited, accompanied with the statement and transcript aforesaid; and the supreme court shall have authority and it shall be its duty, at such term of court, to order the investment of such money or the payment thereof on the ascertainment of the person entitled thereto. Upon such payment or tender, or payment to the clerk being fully made, the fee of the land shall be vested in the city.

§ 292. **Declaration of intention to make local improvements.** No expenditure for any local improvement, the expense of which is to be defrayed wholly or partly by local assessment, shall be incurred unless the common council shall, first, by resolution, declare its intention to make such local improvement or improvements. The common council may, by resolution, declare its intention to construct or repair sewers, gutters and sidewalks, or to sprinkle streets without preliminary petition therefor or consent thereto. The common council shall not declare its intention to make any other local improvement, the expense of which is to be borne wholly or partly by local assessment, unless the owners of at least one-half of the total number of front feet lineal measurement, or at least one-half in number of the owners of the property on the street or part of a street upon which the proposed improvement is to be made petition therefor or consent thereto in writing,

and a certificate of the city engineer be indorsed thereon or attached thereto, to the effect that he has examined such petition or consent and that such requirement of property-owners have signed the same, which certificate shall be prima facie evidence of the facts therein contained; or in place of said petition or consents the commissioner of public works shall petition the common council to make such local improvement or improvements and the common council shall by resolution, passed by a vote of two-thirds of all its members, determine that such improvement is expedient and necessary. Before the common council shall declare its intention to make such local improvement it shall cause to be published once in each week for two successive weeks in the official newspaper of said city a notice that at a time and place therein specified the common council will meet to make a final determination thereof. Such notice shall contain a brief description of the character, location and extent of such proposed improvement. At said meeting any person shall be entitled to be heard for or against such improvement. If the common council shall finally decide by resolution that any such local improvement or improvements shall be made or constructed, thereupon the common council, before ordering the same to be done, shall, except as to sidewalks, gutters and sprinkling of streets, establish a district of assessment which shall contain all the property which, in the judgment of the common council, is likely to be benefited by any such local improvement; and the common council may at any time alter or enlarge said district, and cause notices to be published in the official newspaper of the city at least once each week for two weeks to the effect that such district of assessment has been altered or enlarged. The common council may or may not in its discretion establish a district of assessment for the construction of sidewalks, gutters and sprinkling streets.

§ 293. **Special provision as to sewers.** Each resolution of the common council declaring its intention to construct a sewer shall specify therein the two points between which it is proposed to construct the same, the size thereof and the materials of which it is proposed to be constructed. The city engineer shall forthwith, on the passage of any such resolution, make a survey and prepare a map showing all the property within the city likely to be benefited by such sewer and a profile thereof, and an estimate of the materials required, the amount of each kind of excavation and total estimated cost of constructing such sewer, and shall file such map, profile and estimate with the city clerk before the city shall

publish or serve notices of the proposed construction of such sewer. All sewers hereafter constructed in said city shall conform, as nearly as may be determined by the common council, to the present system of sewers. The common council may order sewers for the draining of streets, cellars, buildings, lots, pools, vaults or for any other proper sewerage purpose to be constructed in any street, or, with the consent of the owner, or, if real property be acquired or taken as in this act provided, for that purpose, in, upon or across any such real property outside of a street.

§ 294. **Proceedings to obtain right of way.** Whenever the common council shall order a public sewer to be made through the lands of any person, corporation or association, and the owner or owners of such lands shall not consent thereto, and the city is unable to agree with the owner or owners upon the compensation to be made therefor the common council may take such condemnation proceedings to ascertain and assess the damage and benefits to the parties interested as is provided by the sections of this title relating to the taking of private lands for streets, and said sections are hereby declared to apply to proceedings under this section, and by such proceedings the city of Watervliet shall acquire a permanent right of way for a sewer of any size or depth, with the right to repair or relay such sewer at any time. The costs and expenses of such condemnation proceedings, together with the compensation paid to the owner of such real property for such title, right or easement shall be a part of the expense of the sewer for which such land, right or easement was acquired. Such sums for inspection of the sewer as the officers making the local assessment shall allow, based upon actual cost thereof, the cost of necessary printing and publication of notices, the cost of maps, plans, surveys, profiles, printed matter and all labor and material whatsoever, necessary or incident thereto, or connected therewith, shall also be included in the expense of constructing the sewer.

§ 295. **Costs and expenses.** Upon the certificate of the city engineer that a sewer or other local improvement has been completed the common council shall direct that the cost thereof shall be paid and assessed as follows: Except as otherwise provided in this title, the city shall bear and pay the cost and expenses of the same at or across intersections of streets, if it be constructed or made at or across such intersections of streets, and also, if it be constructed or made along the border of and contiguous and adjacent to other property owned by the city such sum of money therefor as the assessors shall determine to be just and equal in

proportion to the benefits received by said city and its said property from such improvement. After deducting said sum or sums of money so to be paid by the city one-third of the remainder of the costs and expenses of such sewer or other local improvement shall be paid by the city, and the remaining two-thirds thereof shall be paid by the owner, owners or occupants of, and shall become and be a charge on land included in said district of assessment. The city assessors shall thereupon proceed to assess such two-thirds of the costs and expenses against the owner or owners or occupants and upon the property deemed to be benefited by such sewer or other improvement in a just and equitable manner as near as may be in proportion to the benefits received therefrom. The assessors on the completion of their assessment-roll shall file in the office of the city clerk and the city clerk shall thereupon cause a notice to be published in the official newspaper of said city, once each week for at least two weeks, that the assessment-roll has been filed with the city clerk and that the common council will, on a certain day and place to be therein specified, which shall not be less than ten days from the first publication of said notice, proceed to confirm said assessment. At the time and place named in said notice, or at any other time or place to which the common council may from time to time adjourn said hearing, any person interested may appear before the common council and apply to have said assessment-roll altered or corrected as he may deem just. After hearing all such applications the common council may proceed to make such alterations and corrections, if any, in said assessment-roll, as it may deem just and by resolution confirm the same. The said assessment shall thereupon be and become final and conclusive upon all persons interested, both as to regularity and validity of the proceedings, and of each and every part thereof, and as to the validity of each and every assessment thereunder, and as to the respective amount or amounts thereof. Unless otherwise provided pursuant to the provisions of this title for payment by installments, the owner or owners of, or persons interested in, any lot or parcel of land locally assessed as hereinbefore provided, may pay to the city chamberlain, who shall receive said assessment-roll from the city clerk, the amount of such local assessment at any time within fifteen days after such final assessment and confirmation thereof without fees or interest. If such owner or owners or persons interested in any lot or parcel of land so locally assessed shall neglect or omit to pay such local assessment within said fifteen days, then and in such case

such local assessments so remaining unpaid shall be continued and remain a lien or liens respectively on the respective pieces or parcels of land of the several and respective owners thereof until the same shall be paid with interest as follows: If paid within the next fifteen days the interest and fee shall be at and after the rate of one per centum; if paid within fifteen days after the expiration of the last-mentioned period the interest and fee to be paid shall be three per centum and for the succeeding fifteen days the interest and fee shall be five per centum. If any such assessment shall remain unpaid at the expiration of sixty days the chamberlain shall proceed to collect the same with fees thereon and at the rate of twelve per centum per annum in the same manner as is provided hereinafter in this title for collection and payment of assessments for paving and other local improvements, and the provisions of this title with reference to sale of property for unpaid assessments, or unpaid installments of assessments, if provision be made by the common council for payment by installments, shall be applicable to assessments for improvements made under any ordinance or resolution of the common council passed pursuant to this act.

§ 296. **Paving, repaving or macadamizing.** If the board of estimate and apportionment shall of its motion decide that any street, section of a street, place or square ought to be paved, repaved or macadamized and the owners of more than one-half of the total feet front, or more than one-half of the bona fide owners of the property abutting upon the street or section of a street upon which the improvement is to be made give consent thereto in writing, or if in place of said consents the common council shall by resolution by a vote of two-thirds of its members concur with the board of estimate and apportionment that such improvement is expedient and necessary, the said board shall publish once in each week for at least two successive weeks a notice in the official newspaper of said city, that at a time and place therein specified, it will meet to make a final determination thereof. Such notice shall contain a brief description of the character, location and extent of such proposed improvement. At such meeting of said board any person shall be entitled to be heard for or against such improvement.

1. Determination to make improvement, letting contract. If the board shall finally determine to make the improvement it shall record an order to that effect in its minutes and shall cause plans and specifications thereof which may specify in the alterna-

tive such different kinds of material as the board may see fit, accompanied by a map establishing and fixing the grade therefor, to be prepared by the city engineer, which shall be presented to the board of estimate and apportionment and if approved by it, shall be filed with the city clerk. The board of estimate and apportionment shall then advertise for bids for the making of such improvements with each kind of pavement or materials specified, according to such plans and specifications, by publishing a notice in the official newspapers of the city and for such time as such board shall direct, not less than once each week for two weeks. Each contract must be awarded to the lowest bidder who in the opinion of the board is responsible for the performance of the same with the material finally adopted by the board of estimate and apportionment, who shall furnish the security as hereinafter provided, unless the board of estimate and apportionment shall deem it for the best interests of the city and the adjacent and contiguous property-owners to reject all bids made. If no satisfactory bid shall be received pursuant to said advertisement, or otherwise, the board of estimate and apportionment may discontinue or abandon the work, or may advertise for new proposals. No bid shall be accepted unless accompanied with such security in such amount and penalty and in such form as the board of estimate and apportionment may direct and approve, conditioned that the bidder will accept and execute a written contract and specification in case it shall be awarded to him. Said security shall be so given after proper specifications shall have been made and filed in the office of the city clerk and after notice for such bids has been published at least once each week for two weeks in the official newspapers of the city. The advertisement for bids need not contain the specifications but may refer to them as on file. No contract shall be let for such improvement unless the contractor shall also have executed and delivered to the city a bond in a penalty not less than one-half the amount of the contract, to be fixed by the board of estimate and apportionment, duly executed and acknowledged, with two or more sureties, who shall qualify as prescribed for sureties in civil actions, or with a responsible surety company, which bond shall be approved, as to its form and sureties, by the board of estimate and apportionment and by the city attorney, and shall be filed with the city clerk. Such bond shall be conditioned for the faithful performance by such contractor of his contract in accordance with the terms thereof, and to indemnify and save harmless the said city

from all negligence on his part or that of his subcontractors or his or their agents, employees or servants, and to pay or cause to be paid the wages and compensation of all laborers who shall be employed in work in and about such improvements, and to pay for all materials furnished in and about such improvements. Actions or proceedings on such bond may be brought by the laborers and materialmen secured thereby at any time within one year after such cause of action accrued, in their name or names or that of their assigns, but the city shall not in any manner be liable or responsible by reason of such bond, or for costs of any such action or proceeding thereon by any laborer, materialmen or their assigns.

2. Liability of city. The city shall not be held liable in any action brought or had under any contract made with the contractor as aforesaid, for any other or greater liability than that expressed therein, nor required to pay out or otherwise dispose of any sums of money for the doing of such work or the furnishing of such material greater than is stipulated in such contract, nor otherwise than in strict conformity with the stipulations thereof. Extra work, however, may be done or materials furnished and allowed for by said board of estimate and apportionment, but the same must be along and upon the line of the proposed improvements, and must be allowed by said board in writing before said work is done or materials furnished.

3. Water and gas mains; telephone and electric light wires. And whenever the board of estimate and apportionment shall finally determine to pave or repave any street or portion of a street, and either the water or gas mains or both are not at said time laid in said street or the portion thereof so determined to be so improved, the board of estimate and apportionment shall have power to require and compel any water works company or gas light company, or the owners of any water works or gas light works having their mains laid in any of the streets of said city, to lay their mains in and along the street, or portion of a street so finally determined by said board to be improved as aforesaid, within such limits, of such size, not exceeding the size of the adjoining pipes, in such manner, and in such place and within such time as the board of estimate and apportionment shall determine, and may serve written, typewritten or printed notice thereof accordingly, upon such water works company or such gas light company or upon such owners or owner of water mains or gas mains hereinbefore specified, to so lay or extend its or their

mains in and along said street or portion thereof so finally determined to be improved as aforesaid. The board of estimate and apportionment, under such circumstances, may require any telephone or electric light company, having its wires or cables extended overhead along any such street or portion thereof so determined to be so improved, to place the same in subways along the part to be so improved and to remove the overhead construction under the same terms and subject to the same conditions prescribed herein for the laying of gas mains. And in case of neglect or refusal of such water works company, or such gas light company, or such telephone or electric light company, or such owners of water or gas mains as aforesaid, to lay said mains in said street, or such portion thereof, as directed by said board of estimate and apportionment, and within the time and in the manner and as so ordered and directed by said board of estimate and apportionment, shall have the power to lay and complete the same, and the actual cost and expense incurred in doing the same shall be a valid charge and claim by the city of Watervliet against said company, or said owner of mains as aforesaid, neglecting or refusing to so lay and complete the same, and for which said city may maintain an action against said company or owner aforesaid, and such cost and expense shall be a lien and assessed against and collected from such company or owner in the same manner as assessments are made against and collected from street railways, as set forth in subdivision five of this section, provided, however, that said telephone or electric light company instead of placing its wires in said subways shall have the option of removing its said overhead poles, wires and cables from the streets to be paved to such other street or streets as may be designated by the board of estimate and apportionment which said street or streets shall be such as will form a reasonable and practicable route for said overhead telephone or electric light poles, wires and cables. The right to order and require any gas light company or owner of gas mains in any of the streets of said city to lay its mains or pipes in any street or portion thereof, so determined to be improved as aforesaid by the board of estimate and apportionment, shall include the right to order the laying of lateral service pipes connected therewith, opposite each separate piece of property as directed by said board of estimate and apportionment to a point and points within the curb line or lines opposite thereto, by said gas light company, or the owners of gas mains in the streets of said city, including the right of said board to lay and connect the same, on notice to and default of

said gas light company, or owner aforesaid, and with the same liability of such company or owner, and the same right and remedies by the city of Watervliet against said company or owner, for the recovery of the actual cost and expense thereof as arises in case of mains.

4. Water and sewer connections. And when the sewer mains and water mains have been laid and completed in any street, or portion thereof in or upon which the board of estimate and apportionment shall have finally determined to make such improvements, by paving or repaving, said board shall immediately cause a notice to be published in the official newspaper of the city, requiring the owners or occupants of any and all property fronting or abutting on said street or the portion thereof, upon which such improvements are to be made, to make connections with the water and sewer mains in said street, or the portion thereof to be so improved, and to make and lay service and house connection pipes from both said sewer mains and said water mains in front of each separate piece of property, and where directed by said board of estimate and apportionment, at least to a point within the line of the curbing, within such time and in such manner as the said board of estimate and apportionment shall prescribe; and whenever any such owner or occupant shall have made default in making such connections with said sewer mains and water mains opposite the lands and premises owned or occupied by him and in making and laying service and house connection pipes therefrom, at least to a point within the line of the curbing, as directed in and required by said printed notice therefor in the manner and within the time therein specified, the board of estimate and apportionment shall have power and authority to so make, extend and complete the same to a point within the line of curbing opposite thereto and in front thereof, and the actual expense thereof, including all labor done and materials used in doing and completing the same, shall be assessed by the common council of said city upon each separate piece of property, opposite which the same shall be done, and completed, and shall be a lien and liens on said premises and lots of land respectively, and the same shall be collected in the same manner as other local assessments, or assessments for local improvements, provided by the charter of said city.

5. Cost and expenses of improvement. The cost and expense of such improvement, namely, of such paving, repaving, macadamizing or remacadamizing shall be deemed to include, in addition

to the actual contract price, with or without covenants of maintenance thereof, and cost of all labor and material therefor, the sums actually paid or incurred for services of a competent engineer and inspectors in connection with such work and in connection with the proceedings therefor, also interests on all sums of money which may be borrowed by said city, in doing and prosecuting such work and improvements prior to the issue of bonds therefor as hereinafter provided, which said sums the chamberlain of said city is hereby authorized to borrow temporarily during the progress of such work from time to time, on the faith and credit of said city, pursuant to resolution of the board of estimate and apportionment therefor, prior to the issue of series "A" bonds and series "B" bonds as hereinafter provided. And such cost and expense shall also include all necessary printing and publication in the official newspaper of the city and in such other newspapers and journals as said board shall direct of all notices or matter herein provided; and also include the cost of all maps, plans, surveys, profiles, printed matter and all other labor and materials whatsoever, necessary or incident thereto. or connected therewith. The cost and expenses of such paving, repaving or macadamizing as are made along the border upon and are contiguous and adjacent to any property owned by the city, including crosswalks and intersections of streets, and one-third of the remainder of such improvements, exclusive of the amount charged to any railroad company, shall be paid by the city at large; the balance of the cost and expenses of such improvements, exclusive of the part to be done or paid for by any railroad company under the terms of the general laws of this state, shall be paid and become a charge upon and shall be assessed against the real estate abutting and bordering upon and contiguous and adjacent to the streets, alleys, public places or way, or any part thereof, so improved. The whole or any part of the cost and expense of said improvement between the tracks, the rails of the tracks and two feet in width outside of the tracks of any street surface railroad corporation using its tracks in any street, avenue or public place in the city, incurred by the city after failure of such corporation to pave, repave, macadamize, remacadamize or repair on any such street, avenue or public place within thirty days after notice so to do from the common council or the board of estimate and apportionment or in the behalf or by the authority of either, may, after payment thereof by the city, be assessed

against and collected from such corporation in the same manner as assessments are made against and collected from abutting property-owners for payments, except that not more than sixty days' time shall be given to such railway company to pay the same after it shall become due and before proceedings may be instituted to collect the same, after which sixty days such assessment shall bear interest at the rate of twelve per centum per annum, and all the franchise and property of any such railroad corporation may be sold to collect such assessment or assessments with such interest against said railroads in the same manner as provided for the sale of real property to collect other taxes in the city and all the provisions of law applicable to the collection of taxes by a sale of real property in the city of Watervliet are hereby made applicable to the collection of such assessment or assessments herein provided for except that notice of sale may be served personally on such company or companies instead of being posted upon the property to be sold and such assessment or assessments when so made shall be a first lien superior to any lien by mortgage, judgment or otherwise except the lien of an existing tax on all the franchise and property of such corporations, and nothing herein contained shall in any way impair any other remedy or remedies at law or otherwise for the collection of such cost and expenses of such repairs and pavements or any part thereof or for the collection of any part thereof not realized by a sale as herein provided. The board of estimate and apportionment shall ascertain the whole cost and expense of such improvement and shall apportion the same upon all the real estate fronting upon said street, section of a street or public square then to be improved in proportion to the benefit which each owner of said real property may be deemed to receive, first deducting the share thereof imposed upon the city and the share or any portion thereof which any street or other railroad company may be liable to pay for the improvement between its tracks and on each side of them. The true intent and meaning hereof being that two-thirds of the entire cost and expense of such improvements, exclusive of street intersections, and the share of said railroads shall be assessed upon and be borne by the lots and lands abutting upon and adjacent to such improvements, and by the owners thereof, and persons interested therein. The word "pavement," as herein used, is intended to include curbs and gutters. The board of estimate and apportionment shall report such apportionment and the

amount for which such railway company shall be liable and a list of all the lots and parcels of land liable to assessment with their respective frontage and a description thereof to the common council.

6. Assessment of costs and expenses of improvement. The common council shall assess upon any railroad company liable to assessment hereunder its share of the costs and expenses of such improvements and the said assessment shall be collected in the same manner as other assessments are collected by the chamberlain as provided in this act. The common council shall assess the residue of such costs and expenses, after deducting the share to be paid by the city at large, such residue being in the aggregate two-thirds of the entire cost and expense of such improvements, after deducting from such entire cost and expense the expense of all street intersections and all railroad assessments, upon all the real estate fronting upon said street or section of a street, public square or place, so improved as hereinbefore provided, and shall make a just and equitable assessment of the amount so fixed by it against the said owners and occupants and upon such lands deemed to be benefited as herein provided, assessing each parcel as near as may be in proportion to the benefit which each owner of real property may be deemed to receive therefrom and shall thereupon cause a notice to be published in the official newspaper of said city, that the assessment-roll has been filed with the city clerk and that the common council will on a certain day and place to be therein specified, which shall not be less than ten days from the first publication of said notice, proceed to confirm said assessment. At the time and place named in said notice or at any other time or place to which the common council may from time to time adjourn said hearing, any person interested may appear before the common council and apply to have said special assessment-roll altered or corrected as he may deem just. After hearing all such applications the common council may proceed to make such alterations and corrections in said special assessment-roll as it may deem just, if any, and by resolution confirm the same; the said assessments shall thereupon be and become final and conclusive upon all parties interested, both as to the regularity and validity of the proceedings, and of each and every part thereof, and as to the validity of each and every assessment thereunder, and as to the respective amount thereof. The owner or owners of, or persons interested in, any lot or parcel of land locally assessed, as hereinbefore provided, may pay and cancel such

local assessment at any time within fifteen days after such final assessment and confirmation thereof. If such owner or owners or persons interested in any lot or parcel of land so locally assessed shall neglect or omit to pay such local assessment within said period of fifteen days above specified, then and in such case such local assessments so remaining unpaid shall be continued and remain a lien or liens respectively on the respective several pieces or parcels of land of the several and respective owners thereof, abutting on or opposite such street or part of a street so improved, until the same shall with interest thereon be paid as hereinafter provided; if paid within the next fifteen days the interest and fee shall be at and after the rate of one per centum, if paid within fifteen days after the expiration of the last-mentioned period the interest and fee to be paid shall be three per centum, and if paid during the next succeeding fifteen days the interest and fee shall be five per centum. If any such assessment shall remain unpaid at the expiration of sixty days the chamberlain shall proceed to collect the same with fees thereon and interest at the rate of twelve per centum per annum.

§ 297. **Assessments payable in installments.** Instead of directing that assessments for local improvements be paid fully within sixty days, as hereinbefore provided, the common council may, by a two-thirds vote of all the members elected thereto, with the approval of the mayor and upon the prior recommendation of the board of estimate and apportionment, provide in any ordinance for any street improvement, sewer, paving or other improvement, the expense for which, or for any part thereof, may be imposed and assessed upon the property benefited thereby, as provided by law, that the assessment thereon shall become due and payable in any number, not less than five nor more than fifteen equal annual installments, and that one of such installments, together with interest thereon, from and after the date of the confirmation of such assessments at the rate of five per centum per annum upon the whole amount of the entire assessment remaining unpaid, shall be due and payable upon each first day of September following the confirmation of such assessment, until the whole of said assessment and the interest thereon shall be paid. The owner or occupant of any piece of property so assessed may at any time pay to the chamberlain the entire assessment upon his or such property with interest at the rate aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment. In case any payment so above pro-

vided for shall not be paid when as above provided for it becomes due and payable then such amount shall be collected by sale of the property assessed as in this title provided or by such other proceedings, if any, as may be provided by law for the collection of ordinary assessments in said city. It shall be the duty of the chamberlain immediately when any such default shall take place to proceed, under the provisions of this article, to advertise the premises assessed for such amount so in default, and to sell the same for the amount due thereon, with interest as aforesaid on such amount, together with costs and charges of the notice of sale. The property shall be sold subject to any other city assessment than a lien thereon, and the chamberlain's certificate and chamberlain's declaration of sale shall each be conclusive evidence of the regularity of all proceedings prior thereto, including the sale.

§ 298. **Notice of sale in case of non-payment of assessments.** In case the owner or owners or occupants of any houses or lots of ground, franchises or other real estate, shall fail to pay any apportionment or assessment or any installment thereof levied thereon under the provisions of this act before the expiration of sixty days after the same shall become due and payable, it shall be the duty of the chamberlain of the city forthwith to cause a notice containing the name of the owner or occupant, if known, the name of the street or map number, if known, the amount due on each lot and date of confirmation, to be published in the official newspaper of said city once in each week for four weeks, requiring such owner or owners or occupant to pay the same to the chamberlain and notifying them that if default shall be made in such payment, together with the charge of advertising and interest from the time of confirmation and costs accruing thereon, such houses and lots of ground, franchises and other real estate, with the appurtenances, will be sold at public auction at a day and place therein to be named, for the lowest terms of years at which any person shall offer to take the same, in consideration of advancing the sum charged on said houses and lots, and vacant lots, franchises and other real property for the apportionment and assessment aforesaid with the interest thereon and costs. If, notwithstanding such notice and demand, the owner or owners refuse or neglect to pay such apportionment, assessment and expense aforesaid, together with the charge of advertising and the interest as aforesaid and costs, then it shall be lawful for the said chamberlain to sell, or cause the said house and lot or vacant lot or franchise, or other real estate, to be sold at public auction for a term

of years, for the purpose and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and said purchaser, his executors, administrators and assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his and their proper use, against the owner or owners thereof, and all claiming under him or them until his or their term shall be completed and ended. Should there be no bid of the amount due on said house, lot, franchise or other real property, then the chamberlain shall bid in the same for the city in the same manner as he is authorized to bid in property on a sale for taxes under article seventeen of this act.

§ 299. **Redemption from sale.** Whenever any house or houses, lot or lots, or other real property, shall be sold in the city of Watervliet under the provisions of this article authorizing the sale of property in said city to collect assessments, the owner or owners or occupants of any lot or lots or other real property so sold as aforesaid shall have the privilege of redeeming such lot or lots or other real property so sold as aforesaid at any time within two years from the date of sale, by paying to the purchaser or purchasers thereof, or to the chamberlain of the said city for the use of such purchasers, the consideration money, together with interest thereon, to be computed at and after the rate of twelve per centum per annum. At least three months before the expiration of the time for the final redemption of any property so sold, the chamberlain shall publish and serve a notice of redemption in the same manner as is required by section two hundred and eighty-three of this act, and all the provisions of sections two hundred and eighty-three and two hundred and eighty-four of this act, relative to notice of redemption from sale and conveyance of real estate for taxes, are hereby made applicable to the notice of redemption from sale and conveyance of real estate for assessments under this title.

§ 300. **Bonds for payments, et cetera.** To provide funds for the payment of such portion of the costs and expenses of any such local improvements, as are to be borne by the city at large, including all the items hereinbefore specified, said common council shall issue bonds or certificates of indebtedness of said city which shall be designated series "A," and thereby pledge the faith and credit of said city to the extent that said city is authorized by law to issue bonds and certificates of indebtedness, and which bonds or certificates shall bear interest at a rate not to exceed four and one-

half per centum per annum, and shall be for such amounts and upon such terms as may be determined by said common council, but all of said bonds or certificates of indebtedness shall become due and payable not less than three per centum of the whole amount thereof annually. Such bonds or certificates of indebtedness, when issued, shall be binding upon said city, and shall contain a recital that they are issued pursuant to the provisions of the charter of said city, and such recital shall be conclusive evidence in any court of the validity thereof and of the regularity of their issue. Each of said bonds or certificates of indebtedness shall be signed by the mayor and attested by the city clerk of said city, and they may be issued, in the discretion of said common council of said city, directly to pay for the improvements provided for by this section, but if not so used, they shall be delivered, when issued, immediately to the chamberlain of said city, and be by him sold, at public or private sale, to the highest bidder, but not for less than par and accrued interest, and the proceeds thereof shall be used in paying the costs and expenses of such improvements provided for by this section, and as herein provided, or to repay the moneys borrowed therefor, with interest, or both, and for no other purpose. All of said bonds or certificates of indebtedness shall be numbered consecutively, and a record thereof kept by the clerk of said city, and also by the chamberlain of said city, of those which shall be delivered to him to be sold as before provided, showing the date, number, amount and date of maturity of each. All moneys derived from a sale of said bonds and certificates of indebtedness shall be kept by the chamberlain of said city as a separate fund, and designated "the public works improvement fund," and all orders for the payments of any moneys from said fund shall be drawn directly upon said fund, and shall be signed by the president of the board of estimate and apportionment and countersigned by the clerk of the said city. If the proceeds derived from the sale of the bonds and certificates of indebtedness issued under the provisions of this section exceed the amount of the actual cost and expense of such improvements to be paid by said city at large as herein provided, such surplus of said funds shall be used to retire or pay off the bonds or certificates of indebtedness or interest thereon, as the same shall become due and payable. To provide funds for the payment of the costs and expenses of such improvements, as are to be assessed locally upon the abutting property, said common council shall issue short term bonds or certificates of indebtedness, in an amount necessary to

meet the amount assessed upon abutting property heretofore specified in this title, and remaining unpaid, and which bonds or certificates of indebtedness so issued shall be designated series "B," and shall become due and payable at such times and in such amounts as such unpaid local assessments before specified shall become due and payable, as near as may be, and which bonds and certificates of indebtedness shall bear interest at a rate not to exceed four and one-half per centum per annum, and shall have the same force and validity, and contain the same recitals and be numbered consecutively, and issued and disposed of in the same manner, and with the same restrictions, and the avails received therefrom deposited with the city chamberlain of said city to the credit of the same fund, and paid out for the same purpose, and upon the same authority and in the same manner in all respects as provided in this section with reference to bonds and certificates of indebtedness, designated series "A." The moneys received upon the collections of local assessments, as provided in this section, shall be used by said common council in paying and cancelling the costs and expenses of such improvements as shall have been so locally assessed, and in paying and cancelling the short term bonds or certificates of indebtedness issued under this section, and designated series "B," and any surplus derived from series "B" bonds, by way of premiums or otherwise, shall be used to retire and pay off the interest or principal thereof as the same shall become due and payable. In case any railway company shall neglect or refuse to make its share of any of the improvements in this act provided for, in accordance with the terms of this act or of the general law, and the city shall make the same, said common council shall have the right to issue short term bonds or certificates of indebtedness in an amount necessary to pay the cost and expense of said share of any railway company, and any sums received on account of such cost and expense shall be applied to the retirement of such indebtedness.

§ 301. **Macadamizing or slagging without petition, et cetera.** Provided, however, that in addition to the provisions of section two hundred and ninety-six of this act, if the board of estimate and apportionment shall, by a resolution adopted by a unanimous vote of all the members of said board present at such meeting, decide that any street or section of a street ought to be macadamized or remacadamized or ought to be built or rebuilt of slag or other suitable materials either with or without suitable curbs and gutters in connection therewith, and in

addition thereto, shall decide by unanimous vote of all the members of said board present at such meeting, that the total cost and expense thereof, exclusive of the share of any street railway company, with or without suitable curbs and gutters in connection therewith, ought to be borne by the property-owners whose lands abut upon said street or section thereof proposed to be so improved in a lesser share than the two-thirds thereof or thereabouts, as herein provided in this foregoing section two hundred and ninety-six of this act, in such cases said board of estimate and apportionment may macadamize or remacadamize the same, or build or rebuild the same of slag or other suitable materials, without any consents in writing of the abutting property-owners, and without the concurrence of the common council, upon such ratio and division of the entire cost and expense thereof, exclusive of the share of any street railway company, as between the city of Watervliet and the owners of property abutting thereon, as said board shall decide to be just and equitable, but in no cases shall more than two-fifths or forty per centum in the aggregate of such entire cost and expense of such improvements, including curbs and gutters, exclusive of street intersections, and the share of any street railway company, be assessed upon the owners of property abutting thereon. But up to said two-fifths of such entire cost and expense thereof, including curbs and gutters, the same may be assessed upon the owners thereof and upon the property abutting thereon. And in such case the entire provisions and practice of the foregoing section two hundred and ninety-six as hereby modified, and each and every part thereof, including assessments on abutting property-owners, and including the rights and remedies against any railroad, its owners, or owner of gas or water mains, telephone or electric light wires, the issue of series A and series B bonds, shall apply to such proceedings, excepting that neither consents of the abutting property-owners nor the concurrence of the common council shall be necessary therein, and excepting that the division and ratio of the entire maximum cost and expense thereof as between the city of Watervliet and the abutting property-owners shall be as herein provided and excepting also that the work may be done and material furnished without public letting, and without consent of the common council where the total estimated expenditure for such improvement does not exceed one thousand dollars, but if it exceeds the sum of one thousand dollars, it may in all cases be done without public letting, if the common council of said city by resolution consent thereto.

§ 302. **Establishing of grade, et cetera.** The common council

shall, within two years after the passage of this act, fix and establish the grade line of all streets, sidewalks, public places and squares in the city, shall cause to be prepared a map of the city, with necessary profiles, showing the boundaries, alignment and grade of all the streets, the grade line of all sidewalks, the boundaries and grades of all public places and squares and the location of the sewers, and shall thereafter change and add to such map so as to make it conform to any alterations in said boundaries, grades and alignment made by such board, and show all extensions of the sewers that shall be made. Any map conforming substantially to the requirements of this section made by the authorities of the city of Watervliet, or of any department thereof, shall be regarded as made hereunder and may be used in place of, or as a part of, the map hereby required.

§ 303. **Change of grade of streets, et cetera.** The common council shall have power to change the grade of any street, public place or square, whenever such change shall be necessary. If the grade of any street, public square or square in which a street railroad is now or shall hereafter be operated or in which there are gas, water or other pipe or conduits of any character shall be changed, or if any such street shall be straightened, widened or altered, the railroad corporation operating such street surface railroad and the owner or owners of such pipe or conduits shall change its grade and line and his or its pipes or conduits to conform to such alterations, if required so to do by the board of estimate and apportionment, the expense thereof shall be borne by such railroad corporations and such owner or owners unless the city shall be legally liable to pay the cost of such change of the grade and line of such railroad, pipe or conduits. Whenever the grade of any street in said city shall have been established and the street graded, and private property adjusted to such grade, the same shall not be changed to the injury of such property without just compensation.

§ 304. **Curbs and gutters.** Whenever property-owners representing a majority of the taxable property in number of parcels and value on either side of a public street, or portion thereof to be affected, by petition request a sidewalk or that a new sidewalk be laid on such side or portion thereof, the same shall, if approved by the board of estimate and apportionment, be laid by them as soon as practicable, and its cost be paid for as provided in this act, the number of parcels and value of property represented on all such petitions to be determined as it appears on the last assessment-roll of the city. The improvements or any

of them hereinbefore provided for may be made and the expense paid, assessed and collected as provided in this act without a petition or in case a petition be insufficient, provided the board of estimate and apportionment make a declaration of the necessity and an order for such improvement by a two-thirds vote after a resolution for a preliminary plan and an estimate of the cost thereof, and after such plan and estimate, made and signed by the city engineer, shall have been filed with the clerk of the city, and after notice of such filing and the proposed improvement and that such plan and estimate are open at such clerk's office to the inspection of any person interested and fixing the time when and a place where a final hearing will be had and objections thereto will be heard, signed by the clerk of the city, shall have been given by two successive publications of such notice once each week in the official newspaper and after such hearing provided for by such notice. In case of such procedure without a petition or without a sufficient petition, the work shall be done in substantial conformity with such preliminary plan, and the assessment against property-owners shall not be at any greater rate or on any greater basis than such preliminary estimate. A street or any part thereof may be curbed or guttered without a petition and without such procedure and the cost thereof borne and collected as provided in this act. One or more of such improvements on the same or different streets may be included in the same proceeding, but the plans and estimates must be distinct and separate and in determining after such hearing, the board of estimate and apportionment may decide upon part of the improvements or a part of a single improvement, and in making the assessment apportion the estimate, or may decide that such proposed improvement or improvements are unnecessary. The expense of any sidewalks, guttering and curbing shall be borne one-third by the corporation and two-thirds by the property-owners adjacent thereto on the side of the street where the same is laid. All street crossings shall be made by the city. The assessments for improvements provided for in this section shall be made in accordance with the provisions of section two hundred and ninety-six, subdivision six, of this act and shall be due and payment thereof enforced in accordance with the provisions of this title, so far as the same are applicable.

§ 305. **Cleaning sidewalks and gutters of snow and ice.** It shall be the duty of every owner or occupant of every lot or piece of land to keep the gutters and the sidewalks adjoining his lot or

piece of land at all times clean and free from snow, ice or other obstructions. It shall be the duty of such owner or occupant to remove new ice and freshly fallen snow from such sidewalk before nine o'clock in the forenoon of each day. In default thereof such owner or occupant shall be subject to such fine or penalty therefor as shall be prescribed by the common council. Also the commissioner of public works shall have power to remove all snow and ice which the owner or occupant has neglected to remove before the said hour of nine o'clock in the forenoon, or any other obstruction upon the sidewalks, and no ordinance for the same need be passed, or notice given; the expense thereof shall be assessed and collected in the same manner as the expense of constructing and repairing sidewalks.

§ 306. **Work may be done by contract.** Except as herein otherwise provided, all work, within the purview of this title, shall be done by contract, to be let to the lowest bidder under the regulations and limitations prescribed in this title in reference to the paving of streets.

§ 307. **Guardian ad litem for infant defendants.** Whenever an infant or other incompetent person shall be interested in real estate affected by any improvement provided for by this title, the city court of Watervliet, the county court of Albany county or the supreme court, shall have power to appoint a guardian in the nature of a guardian ad litem to protect the interests of said infant or other incompetent person. Such guardian shall be entitled to receive for his services such compensation as the court making the appointment shall direct.

§ 308. **Errors and irregularities may be corrected.** Errors and irregularities in the proceedings contemplated by this title, if shown to injuriously affect a party or parties thereto, may be corrected on review thereof, on the application of the party injured, or his damages occasioned thereby recovered in an action against the city, subject to the regulations of this act.

§ 309. **Taxes and assessments under this title, lien of.** Every tax and assessment imposed under any of the provisions of this title shall be a lien upon all real estate against which the same shall be assessed from the filing of such assessment-roll, superior to any mortgage, judgment or other lien of any nature, except general city and school taxes, affecting the same and shall have priority thereto, or to any conveyance thereof, and notice to the occupant or tenant shall be held to be deemed a notice to the owner or owners of said real estate.

§ 310. **Description of premises.** In the assessment of any lands in the city for any purpose, it shall be sufficient to state the name of one of the owners of such lands if the owner or owners or any of them be residents of the city and known to the assessors; if the owner or owners be unknown to the assessors or if they be non-residents and the ownership is unknown to the assessors, then the assessment may be designated unknown, and there shall be stated the number of the lot and the block, if subdivided into lots and blocks and so designated upon the city map last adopted by the common council, or the number of the lot or farm lot, if not so subdivided into blocks and lots and so designated, and also the street and number of any building thereon; but if the land be vacant or the building thereon be not numbered, then the name of the street on which it fronts and a brief description of the premises shall be given. In case no inhabited building be on the land and the residence of the owner be unknown, such owner may be designated as unknown. No assessment hereafter made in said city shall be held to be invalid because the same may be made out in terms against owner or owners unknown or the estate of a deceased person, naming such person, or the executor, administrator, heirs or devisees of a deceased person, naming such person, or any of them or against a company or a firm name, or against a person in whom is the record title, though not the actual title of the property, or for any cause arising through ignorance or mistake as to the names of the owner or owners of the property assessed, whether individually or a corporation, provided such property is sufficiently described on the assessment-rolls to reasonably identify and indicate to a person familiar with the same the particular property which it was intended to assess. Every assessment-roll shall be considered as referring to the last adopted map, unless it be otherwise stated therein.

§ 311. **Rebates and deficiencies.** In all cases of assessment for improvements there shall be included in the apportionment all the expenses connected with or which were incident to the making of the improvement and assessment. Whenever the amount apportioned shall exceed the actual cost of the improvement, including all expenses connected therewith or incidental thereto, the chamberlain shall certify the amount of the surplus to the assessors and they shall thereupon declare a rebate and the excess shall be refunded pro rata to the persons who paid their assessments. If the amount assessed for any improvement shall be insufficient to cover

the cost of the improvement, including all expenses connected therewith and incidental thereto, the chamberlain shall certify the amount of the deficiency to the common council and assessors, and the common council and assessors shall forthwith cause to be assessed and levied the amount of such deficiency pro rata upon the property included within the original assessment and the same shall be assessed, levied and collected in like manner as other assessments of a like character.

§ 312. **Assessment not invalidated by irregularities.** No assessment or tax shall be vacated, set aside, canceled, annulled, reviewed or otherwise questioned or affected by reason of any error, omission, irregularity or defect, not actually fraudulent, in any of the steps or proceedings required to be had or taken as preliminary to, or in the making of, the assessment, or in the levying or collection of the tax, nor in relation to or in connection with any proposal, designation of materials, contract, work or improvement for or on account of which such assessment was made or tax imposed. But all property shall be liable to assessment and all assessments shall be valid and of full force and effect notwithstanding any such error, omission, irregularity or defect.

§ 313. **Right to review assessment or tax for local improvement limited.** No action or proceeding to set aside, vacate, cancel or annul any assessment or tax for a local improvement shall be maintained, except for total want of jurisdiction to levy and assess the same on the part of the officers, board or body authorized by law to make such levy or assessment or to order the improvement on account of which the levy or assessment was made. No action or proceeding shall be maintained to modify or reduce any such assessment or tax except for fraud or substantial error by reason of which the amount of such tax or assessment is in excess of the amount which should have been lawfully levied or assessed.

§ 314. **Procedure on review.** No action or proceeding shall be maintained to set aside, vacate, cancel, annul, review, reduce or otherwise question, test or affect the legality or validity of any assessment or tax for a local improvement, except in the form and manner and by the proceedings herein provided. If, in the proceedings relative to an assessment or tax, entire absence of jurisdiction on the part of the officers, board or body authorized by law to levy or assess the same or to order the improvement on account of which the assessment was made or tax imposed, is alleged to have existed or in case any fraud or substantial error, other than the errors or irregularities specified in the preceding

section, by reason of which substantial damages have been sustained, are alleged to have existed or to have been committed, any party aggrieved thereby, who shall have filed objections thereto within the time and in the manner specified by law therefor, may apply to the supreme court at any special term thereof, held within the judicial district in which the city is situated, for an order vacating or modifying such assessment as to the lands in which he has an interest, upon the grounds in said objections specified, and no other, and upon due notice of such application to the corporation counsel. Each such application shall be made within twenty days after the confirmation of the assessment. Thereupon such court may proceed to hear the proofs and allegations of the parties and determine the same, or may appoint a referee to take the proof and report thereon, or to hear, try and determine the same. If it shall be determined in such proceeding that the officers, board or body had no jurisdiction to make the levy or assessment complained of or to order the improvement, the court may order such assessment or tax vacated. If it shall be determined therein that any such fraud or substantial error has been committed and that the party applying for such relief has suffered substantial damages by reason thereof, the court may order that the assessment or tax be modified as to such party and as so modified that it be confirmed. A like application may be made to secure a modification or reduction of any such assessment or tax on account of fraud or such substantial error occurring in the performance of the work of the improvement on account of which such assessment or tax is made or levied, and it shall be determined in like manner. If, in any such proceeding, it shall be determined that such fraud or substantial error has been committed, by reason of which any such assessment or tax upon the lands of any such aggrieved party has been unlawfully increased, the court may order that such assessment or tax be modified by deducting therefrom such amount as is in the same proportion to such assessment or tax as the whole amount of such unlawful increase is to the whole amount of the assessment or tax for the improvement. An order so made in any such proceedings shall be entered in the clerk's office of the county in which the city is situated, and shall have the same force and effect as a judgment. The court may, during the pendency of any such proceeding, stay the collection of any assessment or tax involved therein as against the parties thereto. Costs and disbursements of any such proceeding may be allowed in the discretion of the court. No appeal shall be allowed or taken from

the order made in any such proceeding, but the determination so made therein shall be final and conclusive upon all parties thereto. No assessment or tax shall be modified otherwise than to reduce it to the extent that the same may be shown by the parties complaining thereof to have been in fact increased in dollars and cents by reason of such fraud or substantial error. In no event shall that proportion of any such assessment which is the equivalent of the fair value or fair cost of the improvement be disturbed for any cause. No money paid on account of any assessment or tax shall be recovered for any cause, except the amount of the excess of such assessment or tax over and above the fair value and cost of the improvement. In case of the failure of any assessment or tax for any cause, the comptroller shall certify such fact to the common council and it shall be its duty to forthwith cause the same to be relevied and reassessed in a proper manner.

§ 315. **Consolidation of separate proceedings.** Two or more persons may unite in commencing and prosecuting the proceedings to vacate or modify assessments; and when two or more persons have commenced separate proceedings to vacate or modify assessments for the same improvement, the court before whom the same are commenced or pending, or a judge thereof at special term or chambers, may, by order, upon due application and notice, consolidate such separate proceedings into one proceeding.

§ 316. **State lands.** Nothing herein contained shall affect any assessment upon lands owned by the state nor be deemed to repeal or modify any of the provisions of section twenty-one of the public lands law.

§ 317. **Taxpayers to vote on extraordinary expenditures.** Whenever the common council shall resolve by the affirmative vote of two-thirds of its members that an extraordinary expenditure ought, for the benefit of the city, to be made for the construction of a new building or buildings for the city, or for a proper supply of water for said city or for any other specific purpose set forth in the resolution, it may make an estimate of the sums necessary therefor and for all such purposes, if there be more than one, and publish such resolutions and estimates for at least three times, once in each week, in the official newspaper, together with a notice that at a time and place therein specified a special election of the taxpayers of the city will be held to decide whether the amount of such expenditure shall be raised by tax. All provisions of law prescribing the duties of inspectors

of election and their powers with reference to preserving order at elections and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special elections held hereunder. All citizens of the age of twenty-one years or upward, whose name shall be on the last annual tax-roll of said city, made next preceding such special election entitled to vote upon a proposition, and no other person shall be entitled to vote at such election. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which such expenditure is required, and the amount thereof, and be in the form required by the election law for voting upon questions submitted. The inspectors shall, at the time and place designated as aforesaid, sit without intermission, from nine o'clock in the morning until four o'clock in the afternoon, to receive the ballots cast at such special election, and shall deposit the same in a suitable ballot box to be provided by the city. The inspectors shall canvass the votes received immediately after the closing of the polls, and immediately make a certificate, signed by them, stating the whole number of ballots voted at such election, the whole number for each special tax, and the whole number against such special tax, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting, and it shall cause the result of said election thus certified to be entered in the minutes. The common council may issue bonds or other evidence of indebtedness in such form as it may prescribe for the whole amount so vested or any part thereof, and shall sell such bonds in such manner as it may decree best, at not less than par value, and shall provide for the payment of such bonds in such sums and at such times as it may deem for the best interests of the city. After such special tax or taxes shall have been authorized as herein provided, the common council may proceed to authorize the expenditure of the amount thereof, for the purposes specified in its published statement as aforesaid and sanctioned by such election.

§ 318. **Limitations.** The provisions of this chapter shall apply solely to taxes and assessments hereafter confirmed. The collection of all taxes and assessments heretofore confirmed and the proceedings for the collection and sale for nonpayment thereof shall be in conformity with the provisions of law now applicable thereto.

ARTICLE XVIII.

MISCELLANEOUS PROVISIONS.

Section 325. Appointment of sealer of weights and measures.
326. Powers and duties of sealer of weights and measures.
327. Term of office.
328. List of trial jurors.
329. Saving clause.
330. Laws repealed.

Section 325. **Appointment of sealer of weights and measures.** There shall be a city sealer of weights and measures to be appointed by the mayor with the approval of the common council. He shall be paid a salary to be fixed and determined by the board of estimate and apportionment, and no fee shall be charged or received by him or by the city for inspection or testing of the weights, measures or weighing or measuring devices.

§ 326. **Powers and duties of sealer of weights and measures.** He shall perform in the city the duties of and have like powers as a county sealer in a county.

§ 327. **Term of office.** The term of office of the city sealer of weights and measures appointed under the provisions of this act shall expire January first in the year nineteen hundred and thirteen. The term of his successor shall be two years. The mayor may remove the sealer of weights and measures for cause.

§ 328. **List of trial jurors.** The city of Watervliet shall be considered a town for the purpose specified in title three, chapter ten, article sixteen of the judiciary law respecting the selecting, drawing and procuring of jurors, and the supervisors and assessors of said city shall execute the duties of the supervisors, town clerk and assessors of a town as prescribed by said article, and a list of jurors selected by them shall be filed in the office of the clerk of the city to serve as trial jurors in the city court of said city.

§ 329. **Saving clause.** The powers which are conferred and the duties which are imposed upon any officer or department of the city under any statute of the state, or any city ordinance which is enforced at the time of the taking effect of this act, shall, if such office or department be abolished by this act, be thereafter exercised and discharged by the officer, board or department upon which is imposed corresponding or like functions, powers and duties under and pursuant to the provisions of this act.

Where any contract has been entered into by the city, prior to the taking effect of this act, or any bond or undertaking has been given to or in favor of the city, which contains provisions that the same may be enforced by some officer, board or department therein named, but by the provisions of this act such office, board or department is abolished, such contract, bonds and undertakings shall not in any manner be impaired, but shall continue in full force, and the powers conferred and the duties imposed with reference to the same upon the officer, board or department which has been abolished shall thereafter be exercised and discharged by the officer, board or department upon whom is conferred or imposed like powers, functions or duties under this act.

§ 330. **Laws repealed.** The following acts are hereby repealed:

Laws of	Chapter
1896	905
1896	906
1897	230
1897	759
1898	245
1899	138
1899	148
1899	267
1901	641
1901	734
1902	153
1902	272
1903	397
1904	180
1905	131
1906	79
1906	282
1909	193

Such repeals shall not revive any act hereby repealed, but shall include all laws amendatory repealed except as provided in this section. Such repeals shall not affect any act already existing or accrued or any liability incurred by reason of any violation of a law heretofore existing or any suit or proceeding already instituted, or action had under the laws or ordinances, unless expressly provided in this act.

§ 331. This act shall take effect immediately.

Chap. 185.

AN ACT to protect the purity of the water supply of Rensselaer Water Company.

Became a law May 24, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whoever shall bathe in or in any manner knowingly corrupt or defile the water supply of the Rensselaer Water Company, whether the same be frozen or not, in the reservoir of said company situated in the towns of North Greenbush and East Greenbush in Rensselaer county, shall be guilty of a misdemeanor and punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

§ 2. This act shall take effect immediately.

Chap. 186.

AN ACT to amend the charter of the city of Oneonta, in relation to sprinkling and oiling streets in such city.

Became a law May 24, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and fifty-four of the laws of nineteen hundred and eight, entitled "An act to incorporate the city of Oneonta," is hereby amended by adding thereto, after section eighty-two thereof, a new section, to be section eighty-two-a, to read as follows:

§ 82a added by L. 1908, ch. 454.

§ 82-a. **Sprinkling or oiling streets.** It shall be the duty of the board of public works, upon the petition signed by a majority of the abutting property owners of any street or portion of a street, to cause such street or portion of a street to be sprinkled or oiled in accordance with such petition and the entire expense

thereof shall be assessed upon the abutting property owners upon said street or portion of a street, such expense to be collected in the same manner as the expense of improvements made under the provisions of section eighty-one.

§ 2. This act shall take effect immediately.

Chap. 187.

AN ACT to amend chapter five hundred and seventy-two of the laws of nineteen hundred and two, entitled "An act to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof," generally.

Became a law May 24, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1902, ch. 572, § 59, as amended by L. 1904, ch. 560.

Section 1. Section fifty-nine of chapter five hundred and seventy-two of the laws of nineteen hundred and two, entitled "An act to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof," as amended by chapter five hundred and sixty of the laws of nineteen hundred and four, is hereby amended to read as follows:

Board of assessors; powers and duties, compensation.

§ 59. The board of assessors elected in the city of Middletown, as herein provided, shall perform the duties hereinafter specified in relation to the assessment of property within the city, as well as for the purpose of levying the tax imposed by the supervisors of the county of Orange, as by the common council of the city of Middletown. Each assessor shall receive an annual salary of four hundred dollars for all services to be rendered under this act, or by virtue of any statute. The assessors under this act, shall possess the powers and authority of town assessors, and shall make the assessment-roll of the city in the same manner as such assessors, under and in pursuance of the second article of the second title of the thirteenth chapter of the first part of the revised statutes,[1] except as herein provided. The board shall then meet, review the same, make such corrections as they may deem

Review of assessment-roll.

[1] See tax law (L. 1909, ch. 62), § 21, as amended by L. 1911, ch. 315, post.

necessary, and deliver the same to the said clerk, on or before the second Tuesday of September[2] in each year. The notice now required by law[3] to be given by town assessors shall be given by the said board of assessors, and shall also be published in the official newspapers published in said city, and shall designate the said clerk's office as the place where the said assessors shall review their assessment-roll, and where said assessment-roll may be examined. Upon such review the said board of assessors, as a board, shall have power to correct, alter, amend, subtract from and add to such assessment-roll of said city, in such manner as in their judgment may be proper; and shall sign and swear to said assessment-roll in the manner now provided by law[4] for the completion of assessment-rolls in towns. The said assessment-roll shall be completed, and all the additions of each page of said assessment-roll, together with the sum total thereof, shall be made and entered thereon, and said assessment-roll, with all other papers now required by law to be filed shall be filed with the city clerk on or before the second Tuesday in September[5] in each year.

Notice of review.

Correction and completion of assessment-roll.

§ 2. Section sixty of such chapter is hereby amended to read as follows:

§ 60 amended.

§ 60. The common council shall be vested with the exclusive power to correct the assessment-roll in respect to taxes imposed by virtue of this act in the same manner as the board of supervisors may by law, correct the town rolls of their county, and shall possess all the powers in relation to such city assessment-roll that boards of supervisors have by statute in the case of town assessment-rolls and town and county taxes. The city clerk shall correct all clerical errors in the description or valuation of property, under the direction of the common council, and make a correct and exact copy of the assessment-roll so made as aforesaid and certify the same to be correct and deliver the said copy to one of the supervisors of said city, on or before the tenth of November[6] in each year, to be by him presented to the board of supervisors as and for the town roll of the city. Nothing in this section shall be construed to prevent the board of supervisors of Orange county from exercising, in respect to the assessment-roll of said city delivered to them, or the taxes im-

Common council authorized to correct assessment-roll.

Duties of city clerk.

Rights of board of supervisors.

[2] Formerly "third Tuesday of July."
[3] See tax law, § 36, as amended by L. 1909, ch. 403.
[4] See tax law, § 38.
[5] Formerly "third Tuesday in July."
[6] Formerly "first day of October."

posed by them thereby, the same powers vested in boards of supervisors in respect to town assessment-rolls and town and county taxes or any correction thereof.

§ 63 amended.

§ 3. Section sixty-three of such chapter is hereby amended to read as follows:

Duties of city clerk as collector of taxes.

§ 63. The said city clerk, as the collector of taxes and assessments in this city, shall perform the duties and be subject to the liabilities and obligations prescribed by law[7] for town collectors, subject to the provisions of this act, and he shall keep his books in such manner as the common council may prescribe; and all taxes and assessments to be collected within the limits of the city shall be collected by him. Immediately upon the expiration of the time limited in any warrant issued to him for the collection of any tax or assessment, said collector shall report and make return to the common council, under oath, stating the amount by him collected, and that he has entered upon the assessment or tax-roll the several payments made to him, opposite the name of each person, company or corporation so paying, his payments of the money so collected, to what officer, with his vouchers therefor; and the several amounts of taxes or assessments which have not been collected by him and remaining unpaid, with the names of those who have not paid opposite such amounts, and on such report being received and accepted by the common council the several items of unpaid taxes or assessments contained therein shall be entered by said collector in a book provided by said common council, and to kept by him in his office[8] and said common council shall also cause to be docketed and entered in such book in the manner above provided, all taxes and assessments so remaining unpaid at the time of the passage of this act.[9] [10]On all taxes or assessments, except as provided in section one hundred and nineteen of this act, remaining unpaid after the expiration of thirty days the collector shall collect five per centum additional as a penalty, and on all remaining unpaid after the expiration of ninety days from such first publication there shall be collected, in addition to said five per centum penalty, interest at the rate of one per centum per month from the date of said first publication, except on one-half the tax levied for the state, county and

Report to common council.

Entry of unpaid taxes.

Percentages and interest to be added.

7 See tax law, art. 4.

8 Provision prescribing matter to be entered in the columns of such book, omitted.

9 Provision providing for interest on unpaid taxes, omitted.

10 Following sentence new.

city and remaining unpaid not more than six months from the date of said first publication and upon all said one-half of the tax levied for the state, county and city remaining unpaid after the expiration of thirty days from the date of the first publication of the second notice, there shall be collected five per centum additional penalty, and on all thereof remaining unpaid at the expiration of ninety days after the first publication of the second notice there shall be collected interest at the rate of one per centum per month from the date of said first publication of the second notice. All said interest, excepting the five per centum penalty added after the expiration of the thirty day period, shall belong to the city,[11] and such tax or assessment and the interest thereon at the rate aforesaid together with the highest rate of fees for collecting the sum specified in such warrant, may be sued for and recovered by the city against any person liable therefor except as otherwise provided in this act; and the said collector shall report to the said common council at each monthly meeting thereof, all moneys collected by him on each docket, and shall pay over the moneys so collected to the city treasurer. The common council shall provide a suitable room for the collector's office, and all necessary books, blanks and stationery for his use, and the collector shall attend at such room in the discharge of his duties at such time as prescribed in section seventy-three of this act.[12] The city clerk so performing the duties of collector shall not be entitled to collect or receive any fees for his services other than the compensation or salary to be paid him as such city clerk, except that after the expiration of thirty days from the time any general or special tax shall be due and payable, as herein provided, it shall be his duty to add the sum of five per centum upon all such taxes then remaining unpaid, as fees. The said clerk as collector, shall not be entitled to any fees for collections which shall be made by the corporation counsel or other attorney for said city, for any tax or assessment which shall be placed in the hands of such counsel or attorney for collection; and such counsel or attorney shall pay all taxes or assessments, including interest and fees named in the warrant which he shall collect, to the city clerk[13] as collector and shall take [14]receipt therefor, showing the several amounts

Collector's office.

Compensation of collector.

Taxes collected by corporation counsel or other attorney.

[11] Sentence to here, new.
[12] Formerly read: "as the said common council may prescribe."
[13] Formerly "city treasurer." Words "clerk as collector" new.
[14] Word "duplicate" omitted.

collected, the tax or assessment for which received, and from whom,[15] and such collector shall then make the necessary entries upon his books showing such payments, so as to discharge the same thereon. In case the collector shall not use due diligence in the collection of taxes or assessments, or comply with the requirements of this section, it shall be sufficient cause, and he may be suspended by the mayor, and removed by the common council, pursuant to the provisions of this act with reference to suspension and removal from office.

Suspension or removal of collector.

§ 4. Section seventy-one of such chapter as amended by chapter five hundred and sixty of the laws of nineteen hundred and four, as amended by chapter six hundred and fifty-three of the laws of nineteen hundred and seven, as amended by chapter fifty of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 71, as amended by L. 1904, ch. 560, L. 1907, ch. 653, and L. 1910, ch. 50, amended.

§ 71. The common council at the first regular meeting in October[16] in each year or as soon thereafter as practicable shall make a careful estimate of the amounts necessary to be raised by tax for the fiscal year, beginning on the first day of January thereafter[17] and ending on the last day of December thereafter. They shall include in such estimate the amounts to be raised by tax for the expenses of the general maintenance and repair of streets and lighting the same, expenses of the fire department, printing, salaries of officers, building and repairing bridges, election expenses, board of health, and of all such further sum or sums that may be required during any one year for carrying on the ordinary affairs and general expenses of the city, as authorized by this act or charter, excepting for school purposes; which several estimates shall not exceed the sum of eighty thousand dollars, exclusive of the amount to be levied or raised within said city for school purposes and necessary to pay the principal and interest of the public debt of said city, or any other obligations or debt which by law may be created against the city; and also exclusive of such amount as may be necessary to make up the deficiency occasioned by previous illegal and erroneous assessments and uncollected taxes and assessments; and shall forthwith cause such estimate to be delivered to the mayor of the city, and also forthwith cause the same to be published in the official newspapers of said city, twice a week for one week.

Annual assessment and levy of taxes.

[15] Words "one of which duplicates he shall deliver to the collector," omitted.
[16] Formerly "February."
[17] Formerly "preceding."

before action shall be taken thereon by the mayor of the city, as herein provided. Said mayor shall have power to correct, revise and amend such estimate or any part thereof, and may modify and repeal the same in whole or in part; but he shall have no power to increase any item or estimate. When the said mayor shall have amended or corrected and repealed or finally approved the same, the common council shall have power to cause the amounts thereof to be raised by general tax. The common council shall also direct and cause such amount, in addition to the amount so estimated and approved by said mayor, to be raised annually by general tax as shall be necessary for school purposes as certified by the board of education, in the manner now provided by law, and as shall be necessary to pay the principal and interest of the public debt of the city of Middletown, water bond debt, including sums required for the sinking fund, and any permanent debt incurred or contracted by said city, and also such additional amounts as may be necessary to make up the deficiency occasioned by previous illegal and erroneous assessments and uncollected taxes and assessments.

§ 5. Section seventy-three of such chapter is hereby amended to read as follows:[18] § 73 amended.

§ 73. The tax so directed to be raised shall be assessed upon all the taxable real and personal property in the city, according to the valuation of the city assessment-roll of the current year, after the same shall have been corrected as hereinbefore provided. The said tax, together with any special tax which shall have been voted as herein provided, shall be levied by the common council at some meeting thereof, on or before the first day of November in each year. The city clerk, under the direction of the common council, shall extend and apportion said tax on the assessment-roll delivered to him as aforesaid and correct all clerical errors in the description and valuation of all property and certify to the board of supervisors the total amount of the assessment-roll, and the board of supervisors shall certify to the city clerk the amount of taxes for state and county purposes assessed upon the city on or before December first in each year and the city clerk shall extend and apportion said taxes on the assessment-roll together with the city taxes as in this act provided, and shall forthwith file the same, and shall make a full duplicate or copy of the same, with the tax so extended and apportioned,

Assessment and levy of tax.

Assessment-roll.

[18] Section materially amended.

and shall certify such copy to be a correct duplicate of the city tax roll. Such roll shall on or before the first day of January be delivered by the common council to said city clerk as collector, with a warrant annexed, under the seal of the city, to be signed by the mayor, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the persons or property therein mentioned or described for state, county, municipal and other purposes with such rate per centum upon said sums for collecting the same, as herein provided, and to return the said warrant and roll within ninety days after the date of the warrant. Immediately on the delivery of the roll and warrant to the city collector, and again within one week of six months after the date of the first publication he shall publish notice thereof daily, for ten days, in not more than two of the newspapers published in said city, designating some central and convenient place within the city, where said collector will attend each working day of the week except Saturday afternoons and holidays, for thirty consecutive days, from the date of the first publication of the notice, and give notice that he will attend at such place with said roll and warrant from nine o'clock in the forenoon until three o'clock in the afternoon excepting from twelve o'clock noon until one o'clock in the afternoon, for the purpose of receiving payment of city, county and state taxes; and it shall be the duty of said collector to attend accordingly and any person may pay his taxes at the time and place so designated on paying such fees thereon as in this act provided. At the time of delivery to him of such roll and warrant, the collector shall indorse on the assessment and tax roll on file with the clerk a receipt acknowledged by him of the duplicate of such tax roll and warrant as city collector, and he shall proceed to collect the unpaid taxes in said roll specified, in the manner provided by law for the collection of county taxes, and shall have and possess all the powers and authority conferred by law on the collectors of county taxes, and shall in like manner, pay over all moneys collected by him to the city treasurer, and shall take his receipt therefor, and shall make return to the said treasurer of the amount collected and paid over by him and of the taxes remaining unpaid; and upon making oath before some officer authorized by law or this act to administer oaths and take affidavits, similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the city treasurer with the amount so remaining due and unpaid. Every tax

Warrant.

Publication of notice of payment of taxes.

Duties and powers of collector.

for state, county or city purposes, and every assessment on real estate under this act for whatever purpose imposed or charged upon any real estate within the city, shall be a lien upon such real estate from the time of the first publication of the notice for the collection of the same until paid. And every assessment upon real estate, or water rates imposed under this act, may, when, due, be collected in the same manner as herein provided for the collection of taxes. The collector shall forthwith deposit all moneys received by him with the city treasurer. Upon a full and final accounting and settlement had with the common council with any collector of any tax or assessment, or other city officer, the common council shall have power and authority, and it shall be their duty to cancel, or cause to be canceled, the bond or security given by such collector or other officer to the city.

Tax lien on real property.

Deposit of moneys.

Cancelation of collector's bond.

§ 6. Section eighty of such chapter is hereby amended to read as follows:

§ 80 amended.

§ 80. On or before the fifteenth day of August[19] next after any tax, assessments and liens shall have been imposed upon any real estate in said city, the city clerk shall make and deliver to the assessors a transcript of all such taxes, assessments and liens which remain unpaid for a period of three months from the date of the warrant or order for their collection, and it shall be the duty of the assessors, on or before the fifteenth day of September[20] thereafter, to make and deliver to the common council a statement containing and showing the name of the owner or owners or occupant, so far as the same shall be known to the said assessors, with a brief general description of the location and kind of property, and the boundaries of each parcel of such lands or other real property; and in case any such lands or property shall have been erroneously assessed, then it shall be the duty of such assessors to make and include in such statement a corrected assessment at the same valuation as before, and such corrected assessment, and the amount of taxes levied upon said lands shall be as valid and effectual for all purposes as though they had originally been correct. Such certificate of taxes, assessments and liens shall be delivered by the common council to the city clerk who shall enter the same in a suitable book to be used for that purpose alone.

Statement of assessors to common council of unpaid taxes.

Correction of erroneous assessment.

§ 7. Subdivision twelve of section one hundred and sixty-six of such chapter is hereby amended to read as follows:

§ 166, subd. 12 amended.

[19] Formerly "June."
[20] Formerly "July."

Board of education to certify moneys needed.

§ 166. Subdivision 12. To determine and certify to the common council of the city, on or before the first day of September[21] in each year, the sums of money in their opinion necessary to be raised, under the provisions of this act, for the year commencing on the first day of January following,[22] specifying in detail[23] the purposes for which the same are required.

§ 172 repealed.

§ 8. Section one hundred and seventy-two of such chapter is hereby repealed.

Taxes for 1911 not affected.

§ 9. This act shall take effect immediately, except that nothing herein contained shall affect the assessment and collection of taxes for said city for the year nineteen hundred and eleven as provided in said chapter.

Chap. 188.

AN ACT to amend the forest, fish and game law, in relation to the open season for trout, in certain parts of Oneida county.

Became a law May 24, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 24, § 106, as amended by L. 1910, ch. 657, amended.

Section 1. Section one hundred and six of chapter twenty-four of the laws of nineteen hundred and nine, entitled "An act relating to the protection of the forests, fish and game of the state, constituting chapter nineteen of the consolidated laws," as amended by chapter six hundred and fifty-seven of the laws of nineteen hundred and ten,[1] is hereby amended to read as follows:

§ 106. **Trout; open season.** The open season for trout shall be from April sixteenth to August thirty-first, both inclusive, except in the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Saint Lawrence, Warren, and Washington and in that portion of Herkimer county north of the Mohawk river, and in that portion of Oneida county north of the main tracks of the New York Central and Hudson River railroad,[2] where the season shall be from May first to August thirty-first, both inclusive, and except in Allegany, Cattaraugus, Chautauqua,

21 Formerly "February."
22 Formerly "preceding."
23 Words "in detail" new.
1 Section 106 was previously amended by L. 1909, ch. 474, and is further amended by L. 1911, ch. 592, post.
2 Words "and in that portion of Oneida county . . . railroad," new.

Cortland, Livingston, Tioga and Wyoming counties where the open season shall be from April sixteenth to July fifteenth, both inclusive, and except in the Genesee river in the county of Allegany, in Spring brook in the county of Livingston, in the west branch of the Oatka creek in the town of Gainesville in the county of Wyoming, and in that part of Cattaraugus creek which is in the counties of Cattaraugus and Chautauqua where the open season shall be from April sixteenth to August thirty-first, both inclusive, and in the county of Chenango where the open season shall be from April sixteenth to July thirty-first, both inclusive. Trout shall not be taken or possessed at any other time, nor shall trout taken in any of the waters of the state be sold or offered for sale. Trout less than six inches in length shall not be taken or possessed. This section shall not apply to private hatcheries in sale of trout, or for propagation.

§ 2. This act shall take effect immediately.

Chap. 189.

AN ACT to amend chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five, entitled "An act fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie," generally.

Became a law May 24, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five, entitled "An act fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie," as amended by chapter two hundred and twenty-five of the laws of nineteen hundred and five, chapter three hundred and forty-one of the laws of nineteen hundred and six and chapter thirty-seven of the laws of nineteen hundred and seven, is hereby amended to read as follows:

L. 1895, ch. 173, § 2, as amended by L. 1905 ch. 225, L. 1906, ch. 341, and L. 1907, ch. 37, amended.

§ 2. **County auditor.** There shall be in the county of Erie a county auditor, who shall be elected at a general election held in

November, eighteen hundred and ninety-five, and who shall take his office January first, eighteen hundred and ninety-six, and who shall be a resident freeholder of such county, and who shall hold his office for a term of four years, and until his successors have duly qualified. No person elected as county auditor shall be, when he enters upon his duties, a member of the board of supervisors, nor shall he, while holding such office, be eligible to election as supervisor. The county auditor shall devote his entire time to the duties of his office. The county auditor first elected under this act shall hold his office for a term of four years from January first, eighteen hundred and ninety-six. Before entering upon the duties of his office he shall take the constitutional oath of office and execute to the county of Erie, a good and sufficient bond, to be approved by the county judge in the sum of ten thousand dollars, conditioned upon the faithful performance of his duties. The annual salary of such county auditor shall be four thousand dollars. Such oath and bond shall be filed in the office of the county clerk. The trustees of the city and county hall shall provide suitable rooms to be used by such auditor as an office. The board of supervisors shall from time to time, as the business of the office of the county auditor may require, authorize the county auditor to appoint such clerks at such salaries as the board of supervisors shall fix and determine,[1] as may be necessary for the proper transaction of business of his office. If the county auditor shall be unable to perform the duties of his office in consequence of sickness or temporary absence from the county he may designate one of the clerks in his office to act in his place; if the county auditor shall be so incapacitated for more than ten days, without making such designation, the board of supervisors may do so. Such designation shall be in writing and shall be signed by the county auditor in case he makes such designation, and by the chairman and clerk of the board of supervisors in case such designation is made by the board of supervisors. Such designation shall be filed with the county clerk, and the clerk so designated shall be known during the time of such designation as acting county auditor. The clerk so designated shall perform the duties of the county auditor until the county auditor shall resume them. A clerk so designated shall not receive any additional compensation while acting as county auditor to that which he is receiving at the time of his designation.

§ 2. Section three of such chapter, as amended by chapter three

[1] Words "not exceeding twelve hundred dollars each," omitted.

hundred and forty-one of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 3, as amended by L. 1906, ch. 341, amended.

§ 3. **Duties of county auditor.** [2]The county auditor shall superintend the financial affairs of the county of Erie pursuant to law and the resolutions of the board of supervisors. All accounts or claims against the county for work, labor, services, merchandise or materials furnished the county or any county department and all accounts or claims against the county for fees by any officer or officers authorized to charge and collect fees from the county shall be certified by the head of the department against which it is charged, or his deputy, and[3] be filed in the office of the county auditor before being presented to the board of supervisors. The county auditor shall examine and report upon all accounts or claims against the county for work, labor, services, merchandise, or materials, furnished the county or any department thereof, and all accounts or claims against the county for fees by any officer or officers authorized to charge and collect fees from the county, before the same shall be audited and ordered paid by the board of supervisors; he shall ascertain, before reporting to the board of supervisors whether such accounts or claims and the prices charged therein are just and true, and whether the prices charged and the quality of the merchandise furnished are in accordance with the contract or agreement therefor, if any such contract or agreement has been made, and whether the work, labor and services have been performed and the merchandise or materials delivered and whether the services for which any officer or officers are entitled to collect fees from the county have been performed and whether the fees charged therefor are in accordance with law, and shall attach a certificate to each claim or account, stating the result of his examination, and if it is advised by him that any such account or claim be rejected or modified, stating the reasons for such rejection or modification. Such account or claim, with the certificate attached thereto, shall be filed in his office, and shall, during office hours, be open to public inspection. The board of supervisors shall not order any account or claim paid which the county auditor in his certificate advises should be rejected or modified, except where such account or claim is modified in accordance with the recommendations of the county auditor, unless two-thirds of all the

[2] Following sentence new.
[3] Words "be certified by . . . or his deputy, and," new.

members elected to the board of supervisors shall vote in favor of the payment of said account or claim, notwithstanding the recommendations of the county auditor. [4]The county auditor shall also examine all claims and vouchers for jurors' fees, witness fees and other items of money charged to and to be paid by the county of Erie and out of county funds by vouchers or orders of the courts, including stenographers' charges for minutes and proceedings furnished in civil or criminal cases, and duplicates of all such vouchers, orders and requisitions shall be filed in the office of the said county auditor and the originals thereof shall be certified by said county auditor before payment by the county treasurer. The auditor shall cause to be kept in his office such books as are necessary to contain all claims and accounts against the county presented to him for examination, and the action taken by him on each, and a record of the money appropriated by the board of supervisors for the benefit of the county institutions and officers and the amount drawn thereon, and a record of all contracts or agreements made for supplies to be furnished any county institution or county office. [5]The county auditor shall also keep such books and records as may be necessary to comply with and carry out the provisions of the system of accounting and books prescribed by the board of supervisors, so that the said books shall at all times show the true financial condition of the county property and funds. And the county auditor shall examine the books of accounts of the various institutions and departments of the county and the records thereof at least twice each year, and shall on such examination report to the board of supervisors whether such records and books of account are true and correct and comply with the system of records and accounts prescribed by the said board of supervisors. The keepers of county institutions and the heads of departments shall furnish to the county auditor monthly such reports of their transactions as may be necessary to complete the records of his office. The county auditor shall be authorized to require all county officials and keepers of county institutions to furnish him with duplicates of all orders or requisitions for the purchase of material or supplies by such county officials or keepers of county institutions. The county auditor shall obtain, and for the purpose of starting fiscal records of the county of Erie, shall make a complete inventory of all property, real and

[4] Following sentence new.
[5] Remainder of section, except last sentence, new.

personal, fixed and floating, of the county of Erie, of whatever name or nature and wherever situate, and prepare such books and records in his office as will enable him at least annually to compare the inventories taken and made by the several county officials and heads of departments and keepers of county institutions with the inventory made by the county auditor, so that said auditor and the board of supervisors may see that the property of the county and the property purchased by the county is on hand, or has been properly accounted for, and that such books and records shall be continued as permanent records of the office of the county auditor. The county auditor shall also ascertain and prepare a complete record of all and every outstanding obligation and liability, whether bonded, fixed or floating, of the county of Erie, and prepare such books and records in his office and enter such obligations, charges and liabilities under the various departments or institutions for which the same have been incurred, and such books and records shall be continued as permanent records of the office of the county auditor. The county auditor shall keep an account between the county and the treasurer of all moneys received and receivable by the treasurer and of all moneys disbursed by the treasurer, and shall procure daily statements from the treasurer as to moneys received and disbursed by the treasurer. He shall procure from banks, in which the accounts have been deposited by the treasurer, weekly statements of moneys which have been received and paid out on account of the county. He shall examine the treasurer's books, accounts and bank books and ascertain as to their correctness and shall render to the board of supervisors as often as such board shall prescribe a detailed report of the funds and of the financial condition of the county. He shall have authority to go into the treasurer's office at such time or times as he may deem advisable to take off statements of outstanding taxes receivable for the purpose of verifying the balances outstanding in his controlling account. The county auditor shall report to the board of supervisors at each meeting thereof the balance of the appropriation to each department remaining unexpended.

§ 3. This act shall take effect January first, nineteen hundred and twelve. In effect Jan. 1, 1912.

Chap. 190.

AN ACT to provide for surveys, estimates and plans for improving certain portions of the Black river in Jefferson county, and making an appropriation therefor.

Became a law May 24, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of fifteen thousand dollars ($15,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the state engineer and surveyor, for the making of a survey and the preparation of plans and estimates for improving the Black river for navigation between the state dam at Carthage, Jefferson county, and Sackett's Harbor, on Lake Ontario; the moneys hereby appropriated to be paid out by the state treasurer, upon the warrant of the comptroller, to the order of the state engineer and surveyor.

§ 2. This act shall take effect immediately.

Chap. 191.

AN ACT to amend chapter six hundred and thirty-eight of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter three hundred and thirty of the laws of eighteen hundred and sixty-seven, entitled 'An act to amend the incorporation of the village of Fairport in the county of Monroe,'" generally.

Became a law May 25, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1881, ch. 638, § 19 amended.

Section 1. Section nineteen of chapter six hundred and thirty-eight of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter three hundred and thirty of the laws of eighteen hundred and sixty-seven, entitled 'An act to amend

the incorporation of the village of Fairport in the county of Monroe,'" is hereby amended to read as follows:

Police constable, powers and duties.

§ 19. The police constable shall have the same powers and authority in all criminal cases arising within the corporate limits of the village of Fairport, and be subject to the same liabilities and obligations in such cases as constables elected in any of the towns of said county of Monroe have within said county; he may serve and execute criminal process, and do all other things in criminal cases in the said county of Monroe, as any constable of the said town of Perinton may do; and he shall have power, and it is his duty to do and perform all such police duties as shall be assigned him by the board of trustees; it shall be his especial duty to see that the police regulations, by-laws and ordinances of said village are properly observed, and to discover and report to the president or any trustee all violations thereof; he shall have power and it is his duty, without process, to arrest and take before the police justice or person appointed to act as such as soon after such arrest as practicable, and to confine in the meantime for safe-keeping any person or persons guilty of violating in any manner the public peace or quiet; or willfully violating any village ordinance or by-law, and all such as are designated vagrants or disorderly persons, who may be guilty of acts rendering them such in his presence; he shall also have power, and it is his duty to arrest without process any and all persons found intoxicated in any street or public place in said village, and take him or them before the police justice or the person appointed to act as such, having jurisdiction to be dealt with according to law; said police constable shall be entitled to the same fees as other constables in criminal cases and to such additional compensation as the board of trustees may by resolution provide; but he shall not claim or be allowed any fees for services rendered to the village of Fairport, and in lieu of such fees the trustees shall determine the amount of his monthly compensation which shall be paid from the treasury of the village;[1] he shall at all times be subject to the board of trustees, and may be suspended and removed from office by them for any [2]neglect of the proper performance of his duties. In the absence of such police constable, or when unable to serve, the board of trustees shall appoint a person to act as such police constable during such absence or disability to serve,

Compensation.

Subject to trustees.

Acting police constable

[1] Words "but he shall not claim . . . of the village," new.
[2] Word "willful" omitted.

who for the time being shall have all the powers of such constable within said village.

§ 42 amended.

§ 2. Section forty-two of said act is hereby amended to read as follows:

Grade of streets.

§ 42. The trustees shall have full power to level and grade the roads and streets of said village, and to establish and alter the grades thereof, and to cause such streets and roads to be worked in conformity to such grades as the trustees shall prescribe and establish. [s]It shall be the duty of the trustees, upon the petition signed by a majority of the taxpayers upon any street or streets to cause such street or streets to be *springled with water, oil, or any substance suitable for laying dust, which may be requested by said petition and assess the expense thereof upon the owners of the adjoining land.

Sprinkling, oiling, etc.

§ 45, as amended by L. 1887, ch. 235, amended.

§ 3. Section forty-five of said act as amended by chapter two hundred and thirty-five of the laws of eighteen hundred and eighty-seven is hereby amended to read as follows:

Proceedings for opening streets.

§ 45. The board of trustees shall not open or widen any street or alley, or make or ordain any work or improvement, the expense whereof is to be defrayed, in whole or in part, by local assessment, except upon a petition of a majority of the owners of property to be assessed therefor, unless two-thirds of all the trustees elected vote therefor, and the same is approved by the president of the board of trustees, after allegations have been heard. Subject to the foregoing provision, the trustees shall have jurisdiction and control over all the drains, ditches and sewers in the streets within said village; may enlarge and keep in repair any such drain, ditch or sewer, or any part thereof, when by them deemed necessary, and from time to time cleanse, or cause the same or any part thereof to be cleansed. Whenever any new sewer shall be constructed, excepting a sewer through South Main street, and excepting a sewer which shall be constructed for the purpose, among other things, of draining the waters of Robinson's swamp, so-called, the entire expense thereof shall be assessed upon and paid for by the premises deemed by said trustees to be benefited thereby, excepting the necessary expense of constructing manholes and of crossing public streets or parts thereof, which shall be paid for by the village. Whenever a

Control of drains and sewers.

Expense of new sewer, how assessed.

* So in original.
[s] Following sentence new.

sewer shall be constructed through South Main street, or whenever a new sewer shall be constructed for the purpose, among other things, of draining the waters of Robinson's swamp, so-called, which swamp, so-called, lies near the north boundary line of said village, one-third of the entire expense thereof, and no more, shall be paid by the said village, and the balance of such expense shall be paid by local assessment, made as herein provided, upon the property deemed by said trustees to be benefited thereby. [4]The trustees shall have authority to construct and maintain a sewer or drain across private lands necessary to provide and maintain a proper system of sewerage or drainage within the bounds of said village, and to purchase such land as may be necessary or desirable for the purpose of constructing sewers or a sewage disposal plant and if the trustees are unable to agree with the owner for the purchase thereof it may acquire the same by condemnation, and the purchase price and condemnation expenses shall be assessed upon the village at large. Whenever any assessment shall be necessary, under the foregoing provisions of this section, it shall be the duty of the assessors, when notified by the trustees, to examine the premises deemed by said trustees to have been or to be benefited by any such drain, ditch or sewer, and assess the same upon any such premises according, in the judgment of said assessors, to the ratio of benefits received; and such assessment shall be levied and collected in the same manner as provided in the charter of said village in relation to sidewalks or other taxes. The trustees may also, in their discretion, require the owners or occupants of any lands whereon any such drain, ditch or sewer shall be, from time to time, * repair and cleanse the same upon their respective premises, as shall be directed by the trustees, and in default thereof, said trustees may cause it to be done, and assess and collect the expenses thereof in the same manner as is provided in respect to sidewalks, or they may sue for the same in the corporate name of the village. The trustees may discontinue any drain, ditch or sewer in said village, or any part thereof, at their discretion.

Drainage of swamp, etc., expense of, how assessed.

Sewers across private lands.

Levy and collection of assessment.

Repair and cleaning of drains and sewers.

Discontinuance of drain or sewer.

§ 4. This act shall take effect immediately.

* So in original.
[4] Following sentence materially amended.

Chap. 192.

AN ACT making an appropriation for the completion of the statutory record of the special statutes of the state authorized by chapter five hundred and thirteen of the laws of nineteen hundred and ten.

Became a law May 25, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of forty-five hundred dollars ($4,500), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the completion of the statutory record of the special statutes of the state to be completed in time for and to be printed as a part of the session laws of nineteen hundred and eleven; said sum to be used and paid as provided by chapter five hundred and thirteen of the laws of nineteen hundred and ten.

§ 2. This act shall take effect immediately.

Chap. 193.

AN ACT to amend chapter four hundred and seventy-seven of the laws of nineteen hundred and six, entitled "An act to revise the charter of the city of Elmira," relating to ward boundaries.

Became a law May 25, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1906, ch. 477, § 2 amended.

Section 1. Section two of chapter four hundred and seventy-seven of the laws of nineteen hundred and six, entitled "An act to revise the charter of the city of Elmira," is hereby amended to read as follows:

§ 2. The said city shall be divided into twelve wards respectively, as follows:

First ward. All that part of the said city lying north of the

center line of the Chemung river, west of the center line of the main tracks of the railroad of the New York, Lake Erie and Western Railroad Company, and south of the center line of Church street shall be the first ward.

Second ward. All that part of said city lying north of the center line of the Chemung river, east of the center line of the main tracks of the railroad of the New York, Lake Erie and Western Railroad Company, and south of the center line of Church street, shall be the second ward.

Third ward. All that part of said city lying north of the center line of Church street, west of the center line of the main tracks of the railroad of the New York, Lake Erie and Western Railroad Company, and south of the center line of Clinton street, and the center line thereof continued, shall be the third ward.

Fourth ward. All that part of said city lying north of the center line of Church street, east of the center line of the main tracks of the railroad of the New York, Lake Erie and Western Railroad Company, and south of the center line of Fifth street and the center line thereof continued, shall be the fourth ward.

Fifth ward.[1] All that part of said city lying north of the center line of Clinton street and the center line thereof continued and west of the center line of the main tracks of the Erie railroad and south of the center line of Washington avenue, and the center line thereof continued, shall be the fifth ward.

Sixth ward.[1] All that part of said city lying north of the center line of Fifth street, and the center line thereof continued and east of the center line of the main tracks of the Erie railroad, and south of the following designated lines, to-wit: the center line of Carpenter street, and the center line of its extension easterly, and the center line of Oak street from its intersection with the center line of Carpenter street to its intersection with the center line of Maxwell place, and the center line of Maxwell place and its extension westerly to its intersection with the center line of the main tracks of the Erie railroad shall be the sixth ward.

Seventh ward.[1] All that part of said city lying north of the center line of Washington avenue and the center line thereof continued, and west of the center line of the main tracks of the Erie railroad shall be the seventh ward.

Eighth ward. All that part of said city lying north of the following designated lines, to-wit: the center line of Carpenter street

[1] Boundaries of ward changed.

and the center line of its extension easterly, the center line of Oak street from its intersection with the center line of Carpenter street to its intersection with the center line of Maxwell place; the center line of Maxwell place and its extension westerly to the center line of the main tracks of the railroad of the New York, Lake Erie and Western Railroad Company, and lying east of the center line of the main tracks of the New York, Lake Erie and Western Railroad Company, shall be the eighth ward.

Ninth ward. All that part of said city lying south of the center line of the Chemung river, east of the center line of South Main street, and north of the center line of Pennsylvania avenue from its intersection with the center line of South Main street to its intersection with the center line of West LaFrance street, the center line of West LaFrance street, the center line of East LaFrance street, the center line of Falk street from its intersection with the center line of East LaFrance street to its intersection with the center line of Horner street, Horner street and its extension easterly to the center line of the Chemung river, shall be the ninth ward.

Tenth ward. All that part of said city lying south of the center line of the Chemung river, west of the center line of South Main street, and north of the center line of Franklin street and of the center line of Pennsylvania avenue from its intersection with the center line of Franklin street to its intersection with the center line of South Main street, shall be the tenth ward.

Eleventh ward. All that part of said city lying south of the following designated lines, to-wit: The center line of Pennsylvania avenue from its intersection with the center line of South Main street to its intersection with the center line of West LaFrance street; the center line of West LaFrance street, the center line of East LaFrance street, the center line of Falk street from its intersection with the center line of East LaFrance street to its intersection with the center of Horner street, the center line of Horner street and its extension easterly to the center line of the Chemung river and lying east of the center line of South Main street, shall be the eleventh ward.

Twelfth ward. All that part of said city lying south of the center line of Franklin street and the center line of Pennsylvania avenue from its intersection with the center line of Franklin street to its intersection with the center line of South Main street, and west of the center line of South Main street, shall be the twelfth ward.

§ 2. This act shall take effect immediately.

Chap. 194.

AN ACT to amend chapter four hundred and seventy-seven of the laws of nineteen hundred and six, entitled "An act to revise the charter of the city of Elmira," relating to duties of assessors.

Became a law May 25, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-nine of chapter four hundred and seventy-seven of the laws of nineteen hundred and six, entitled "An act to revise the charter of the city of Elmira," as amended by chapter six hundred and sixty-two of the laws of nineteen hundred and ten, is hereby amended to read as follows: L. 1906, ch. 477, § 49, as amended by L. 1910, ch. 662, amended.

§ 49. The assessors appointed in the city of Elmira shall perform all the duties herein specified in relation to the assessment of property within said city, for the purposes of levying the taxes imposed both by the board of supervisors of Chemung county and by the common council of said city. The board of assessors may appoint a clerk of said board of assessors and shall fix his salary which shall not exceed fifty dollars per month. Such clerk shall perform such duties as shall be prescribed by the board of assessors. The clerk in office when this act takes effect shall hold office until the expiration of the term for which he was appointed. Each assessor shall receive for compensation for all services rendered under this act, or by virtue of any statute, an annual salary to be fixed by the common council. One of such assessors, to be selected by the board of assessors, shall be known as chief assessor. The chief assessor or clerk shall attend at an office to be designated by the common council on each day of the year except Sundays and legal holidays, from nine o'clock in the forenoon to half after twelve o'clock in the afternoon and from two to five in the afternoon, to hear and note, for the use and action of the board of assessors, all complaints and requests in regard to corrections in the assessment-roll. The said assessors shall possess all the powers and authority of town assessors, and between the first days of April and September in each year they shall prepare an assessment-roll of the persons and the property taxable within the city in the same manner and form as is required by the tax law for

Duties of assessors.

Clerk.

Compensation of assessors.

Chief assessor.

Hearing of complaints.

Preparation of assessment-rolls.

the preparation of town assessment-rolls except as herein provided. In the assessment of any land in said city for any purpose it shall be sufficient to state the name of one of the owners or occupants of said land, together with such a description of said land as shall identify the parcel of land assessed, together with the full value of such land; and in case the name of an owner or the name of an occupant cannot after reasonable inquiry be found, it shall be sufficient to write in the first column the words "unknown owner." No mistake in the name of an owner or an occupant shall invalidate the assessment. No assessment hereafter made by said board of assessors shall be invalid because the same may be made out in terms against owner or owners unknown, or the estate of a deceased person (naming such person) or the executor, administrator, heirs or devisees of a deceased person (naming such person), or against a company or firm name or against a person in whom is the record title, though not the actual title, of the property, or for any cause arising through ignorance or mistake as to the name of the owner or owners of the property assessed whether individual or a corporation, provided that such property is sufficiently described on the assessment-roll to identify and indicate the particular property which it was intended to assess. No distinction shall be made in said assessment-roll between resident and nonresident lands. The said board of assessors shall confer together in the performance of their duties, and shall keep minutes of their proceedings, but their omission to do so shall not invalidate any of their acts. The chief assessor shall keep a scrap book in which he shall paste a copy of each published official notice, which the board of assessors or any member thereof, is by law required to give or publish and shall keep the same at all times properly indexed. For the purpose of enabling the said board of assessors to prepare and perpetuate a more perfect record of the name of owners and claimants of real property in said city, every deed of conveyance of lands in said city or other instrument in writing whereby the ownership of said lands shall be changed, made and executed after this act takes effect, shall before the same be received for record by the county clerk of Chemung county, be presented at the office of said board of assessors, who shall, without fee, note the said transfer of title upon their records, and also note the fact of such presentation upon such deed. And every map, plot or subdivision map or plot of lands within the city, showing a subdivision of such lands into blocks or lots shall before it shall be filed in the office of the clerk

Assessment not invalid for certain mistakes.

Book of official notices.

Deeds of real property to be presented to board.

Maps, etc., to be presented to board.

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of the county of Chemung, or in any city office, be presented to said assessors and a copy thereof filed in the office of the board of assessors, and the said original map or plot shall be stamped by said assessors. If any such map or plot which has not been so stamped shall be placed on file by any officer, he shall forfeit to the city of Elmira, ten dollars. During the time fixed for reviewing the assessment-roll the board of assessors may add to or insert therein any property liable to taxation and the assessment thereof, which may have been omitted or wrongfully assessed in the first preparation of the roll after giving three days' personal notice to the owner or his agent, and may make such other corrections as may be proper on application of any person aggrieved. The notice required by section thirty-six of the tax law[1] shall be given as provided therein, except that the said assessments may be seen and examined by any person interested therein for ten days next preceding the third Tuesday of September in each year, excepting Sundays, instead of the time in said section thirty-six prescribed, and the notice shall be posted in accordance with section thirty-six of the tax law and shall be published in the two daily newspapers published in said city having the largest circulation and shall designate a public office as the place where the assessors will sit to review their assessment, upon each of said ten days and upon said third Tuesday of September, and where said roll may be seen and examined upon such days. During the time of review the assessors shall be subject to the requirements of section thirty-seven of the tax law, except as herein otherwise provided and except that their minutes and papers shall be filed in the office of the assessors. The oath required by section thirty-eight of the tax law may be written or printed on said roll or may be printed on a slip and securely pasted into said roll. [2]The assessment-roll when thus completed and verified shall be filed with the city clerk and the notice posted and published as required by section thirty-nine of the tax law; except that such assessment-roll shall be filed on or before October first and the notice shall be published in the two daily newspapers published in said city having the largest circulation; and at the expiration of such fifteen days, the city clerk shall deliver such assessment-roll to the chief assessor.

Correction of assessment-roll.

Notice of completion.

Hearing of complaints.

Assessors' oath.

Filing of assessment-roll; notice of completion.

Delivery to chief assessor.

§ 2. This act shall take effect immediately.

[1] L. 1909, ch. 62, § 36, as amended by L. 1909, ch. 403.

[2] Sentence reading: "The notice required by section thirty-nine of the tax law need not be given by the assessors of said city or by any officer thereof," omitted. Remainder of section new.

Chap. 195.

AN ACT to amend the penal law, in relation to the sale and carrying of dangerous weapons.

Became a law May 25, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 88, §§ 1896, 1897, 1899 amended.

Section 1. Sections eighteen hundred and ninety-six, eighteen hundred and ninety-seven and eighteen hundred and ninety-nine of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," are hereby amended to read as follows:

§ 1896. **Making and disposing of dangerous weapons.** A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as a blackjack,[1] slungshot, billy, sandclub, sandbag, bludgeon,[2] or metal knuckles, to any person; or a person who offers, sells, loans, leases, or gives any gun, revolver, pistol or other firearm or any airgun, spring-gun or other instrument or weapon in which the propelling force is a spring or air or any instrument or weapon commonly known as a toy pistol or in or upon which any loaded or blank cartridges are used, or may be used, or any loaded or blank cartridges or ammunition therefor, to any person under the age of sixteen years, is guilty of a misdemeanor.

§ 1897. **Carrying and use of dangerous weapons.** A person who attempts to use against another, or who carries, or possesses, any instrument or weapon of the kind commonly known as a blackjack,[1] slungshot, billy, sandclub, sandbag,[2] metal knuckles or bludgeon,[2] or who, with intent to use the same unlawfully[3] against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any other dangerous or deadly instrument or weapon,[4] is guilty of a felony.

1 Word "blackjack" new.
2 Words "sandbag, bludgeon" new.
3 Word "unlawfully" new.
4 Words "razor, stiletto, or any other dangerous or deadly instrument or weapon," new.

Any person under the age of sixteen years, who shall have, carry, or have in his possession,[5] any of the articles named or described in the last section, which it is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor.

[6]Any person over the age of sixteen years, who shall have in his possession in any city, village or town of this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, without a written license therefor, issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be *prescribel by ordinance in such city, village or town, shall be guilty of a misdemeanor.

Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city, village, or town of this state, any pistol, revolver, or other firearm without a written license therefor, theretofore issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance of such city, village or town, shall be guilty of a felony.[7]

[8]Any person not a citizen of the United States, who shall have or carry firearms, or any dangerous or deadly weapons in any public place, at any time, shall be guilty of a felony. This section shall not apply to the regular and ordinary transportation of firearms as merchandise, nor to sheriffs, policemen, or to other duly appointed peace officers, nor to duly authorized military or civil organizations, when parading, nor to the members thereof when going to and from the places of meeting of their respective organizations.

§ 1899. **Destruction of dangerous weapons.** The unlawful[9] carrying of a pistol, revolver, or other firearm[10] or of an instrument or weapon of the kind usually known as blackjack, bludgeon,[11] slungshot, billy, sandclub, sandbag,[12] metal knuckles, or of a dagger,

* So in original.
[5] Words "in any public place" omitted.
[6] Following sentence new.
[7] Formerly "misdemeanor."
[8] Following sentence formerly read: "No person not a citizen of the United States, shall have or carry firearms or dangerous weapons in any public place at any time."
[9] Word "unlawful" new.
[10] Words "or other firearm" new.
[11] Words "blackjack, bludgeon" new.
[12] Word "sandbag" new.

dirk, dangerous knife, or any other dangerous or deadly weapon,[13] by any person save a peace officer, is a nuisance, and such weapons are hereby declared to be nuisances, and when any one or more of the above described instruments or weapons shall be taken from the possession of any person the same shall be surrendered to the sheriff of the county wherein the same shall be taken, except that in cities of the first class the same shall be surrendered to the head of the police force or department of said city. The officer to whom the same may be so surrendered shall, except upon certificate of a judge of a court of record, or of the district attorney, that the nondestruction thereof is necessary or proper in the ends of justice, proceed at such time or times as he deems proper, and at least once in each year, to destroy or cause to be destroyed any and all such weapons or instruments, in such manner and to such extent that the same shall be and become wholly and entirely ineffective and useless for the purpose for which destined and harmless to human life or limb.

§ 1914 added.

§ 2. Such chapter is hereby amended by adding at the end of article one hundred and seventy-two thereof a new section to be section nineteen hundred and fourteen and to read as follows:

§ 1914. **Sale of pistols, revolvers and other firearms.** Every person selling a pistol, revolver or other firearm of a size which may be concealed upon the person whether such seller is a retail dealer, pawnbroker or otherwise, shall keep a register in which shall be entered at the time of sale, the date of sale, name, age, occupation and residence of every purchaser of such a pistol, revolver or other firearm, together with the calibre, make, model, manufacturer's number or other mark of identification on such pistol, revolver or other firearm. Such person shall also, before delivering the same to the purchaser, require such purchaser to produce a permit for possessing or carrying the same as required by law, and shall also enter in such register the date of such permit, the number thereon, if any, and the name of the magistrate or other officer by whom the same was issued. Every person who shall fail to keep a register and to enter therein the facts required by this section, or who shall fail to exact the production of a permit to possess or carry such pistol, revolver or other firearm, if such permit is required by law, shall be guilty of a misdemeanor. Such register shall be open at all reasonable hours for

[13] Words "or any other dangerous or deadly weapon," new. Words "without lawful permission, license or authority so to do," omitted.

the inspection of any peace officer. Every person becoming the lawful possessor of such a pistol, revolver or other firearm, who shall sell, give or transfer the same to another person without first notifying the police authorities, shall be guilty of a misdemeanor. This section shall not apply to wholesale dealers.

§ 3. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

Chap. 196.

AN ACT to amend chapter fifty-two, laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," in relation to officers taking acknowledgments.

Became a law May 29, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and ten of chapter fifty-two of the laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," is hereby amended so as to read as follows: L. 1909 ch. 52, § 310 amended.

§ 310.[1] A certificate of acknowledgment or proof, made within the state, by a commissioner of deeds, justice of the peace, or, except as otherwise provided by law, by a notary public, does not entitle the conveyance to be read in evidence or recorded, except within the county in which the officer making the same is authorized to act[2] at the time of making such certificate, unless authenticated by a certificate of the clerk of the same county; provided, however, that all certificates of acknowledgments or proof, made by or before a commissioner of deeds of the city of New York residing in any part therein, shall be authenticated by the[3] clerk of any county within said city, in whose office such commissioner of deeds shall have filed a certificate under the hand and seal of the city clerk of said city, showing the appointment and When county clerk's authentication necessary.

[1] Section heading amended out.

[2] Words "making the same is authorized to act" substituted for word "resides."

[3] Words "city clerk of said city, that the said commissioner of deeds was duly appointed and qualified as such," omitted.

term of office of such commissioner,[4] and no other certificate shall be required, from any other officer to entitle said conveyance to be read in evidence or recorded in any county[5] of the state of New York. But this section does not apply to a conveyance executed by an agent for the Holland Land Company or of the Pulteney estate, lawfully authorized to convey real property.

§ 2. This act shall take effect immediately.

Chap. 197.

AN ACT to amend chapter two hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Methodist Book Concern in the city of New York," generally.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1869, ch. 263, §§ 1, 2-6, s amended.

Section 1. Sections one, three, four, five, six and eight of chapter two hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Methodist Book Concern in the city of New York," are hereby amended to read, respectively, as follows:[1]

Corporators.

§ 1. Richard Dymond, James N. Gamble, Robert T. Miller, James M. Kittleman, Edward E. Shipley, successor to William Christie Herron, Ezra B. Tuttle, John E. Andrus, James W. Pearsall, J. Edgar Leaycraft, George F. Washburn, Silas Peirce, Frank Mason North, successor to Charles S. Wing, James G. Shepherd, Alpheus S. Mowbray, Richard T. Stevenson, successor to William F. Whitlock, John A. Patten, Wade H. Logan, Hanford Crawford, Oscar P. Miller, John F. Harmon, Charles E. Bacon, Durand W. Springer, William E. Bletsch, Rolla V. Watt and Wilmot W. Van Dusen, constituting the book committee

[4] Words "clerk of any county within said city . . . of such commissioner," new.

[5] Words "or part of a county, situated within the limits, confines or boundaries, of the said city of New York," omitted. Words "of the state of New York," new.

[1] These sections are materially amended.

elected by the general conference of the Methodist Episcopal Church in the United States of America at its sessions in the years nineteen hundred and four and nineteen hundred and eight, and their successors, are hereby continued a body politic and corporate by the name of the Methodist Book Concern, and by that name and style, they and their successors shall have perpetual succession, and shall be capable in law of holding property, real, personal and mixed, either by purchase, gift, grant, devise or legacy; subject, however, to the provisions of section seventeen of article two of the decedent estate law, and to sell and convey the same; provided, that all such property shall be held in trust, and used only for the purpose or purposes hereinafter designated.

Corporate name.

Powers as to property.

§ 3. The persons named in the first section of this act shall hold their membership in said corporation until the expiration of the terms for which they were elected or appointed to serve on said book committee, as prescribed in the book of discipline of the Methodist Episcopal Church in the United States of America, or until their successors shall be elected or appointed; and they shall have the management, control and disposition of the business, affairs and property of the said corporation during their term of service, and may hold meetings within or without the state of New York.

Terms and powers of members.

§ 4. The members of the book committee from time to time elected or appointed by the general conference of the Methodist Episcopal Church in the United States of America, shall be members of the said corporation, to succeed the persons named in the first section of this act, and the said general conference shall have full power to make by-laws for the government and the management, control and disposition of the property and business of the said corporation. In case of vacancy by death, resignation or removal from office for cause, the vacancy or vacancies may be filled as prescribed in said book of discipline of the said church.

Successors of members named.

By-laws and management.

Vacancies, how filled.

§ 5. None of the property of said Methodist Book Concern shall be employed, distributed or donated in any manner, except in accordance with the constitution of the Methodist Episcopal Church in the United States of America and the action of the general conference thereunder. The proceeds arising from the operations of the said corporation shall be applied to the relief of effective supernumerary, and superannuated ministers of the Methodist Episcopal Church in the United States of America,

Employment of property.

Application of proceeds from operations.

their wives, widows and children, as provided by the said constitution.

Certain property to belong to corporation.

§ 6. All the real and personal property now held by, or in the names of the present or any former agents of the "Methodist Book Concern in the city of New York," in the states of Pennsylvania, Louisiana and elsewhere, under an act passed April twenty-first, eighteen hundred and thirty-seven, relative to the Methodist Book Concern in the city of New York, shall, by virtue of this act, become the property of this corporation.

Location of corporation.

§ 8. Said corporation is, and shall be located in the city of New York, and its principal business there transacted.

§ 2. This act shall take effect immediately.

Chap. 198.

AN ACT to amend the insurance law, in relation to fraternal beneficiary societies, orders and associations.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 33, art. 7 repealed.

Section 1. Article seven of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as amended by chapter five hundred and eighty-nine of the laws of nineteen hundred and nine, is hereby repealed.

New art. 7 added.

§ 2. Such chapter is hereby amended by inserting therein a new article, to be known as article seven and to read as follows:

ARTICLE VII.

FRATERNAL BENEFIT SOCIETIES.

Section 230. Definitions and scope of article.
231. Benefits, beneficiaries and membership.
232. Certificates.
233. Funds.
234. Incorporation.
235. Existing corporations and reincorporation.
236. Mergers.

Section 237. Foreign societies.
238. Place of meeting and liability of officers.
239. Limitation upon power to waive provisions of the society's laws.
240. Exemption from execution.
241. Amendments to constitution and laws.
242. Reports and valuations.
243. Examinations.
244. Revocation of license.
245. Exemption of certain societies.
246. Taxation.
247. Penalties.
248. Application of other sections of this chapter.
249. Review.

Section 230. **Definitions and scope of article.** 1. Any corporation, society, order or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, but not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with section two hundred and thirty-one hereof, is hereby declared to be a fraternal benefit society.

2. Any society having a supreme governing or legislative body and subordinate lodges or branches, by whatever name known, into which members shall be elected, initiated and admitted in accordance with its constitution, laws, rules, regulations and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such society to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system.

3. Any such society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates chosen directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws; provided that the elective members shall constitute a majority in number and have not less than two-thirds of the votes nor less than the votes required to amend its constitution and laws; and provided, further, that the meetings of the supreme or governing body and the election of officers, representatives or delegates shall

be held as often as once in four years. The members, officers, representatives or delegates of a fraternal benefit society shall not vote by proxy.

4. Except as herein otherwise provided, such societies shall be governed by this article and shall be exempt from all other provisions of the insurance laws of this state, not only in governmental relations with the state, but for every other purpose, and no addition thereto hereafter enacted shall apply to them unless they be expressly designated therein.

§ 231. **Benefits, beneficiaries and membership.** 1. Every society transacting business under this article shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability as the result either of disease, accident or old age, provided that the period of life at which the payment of benefits for disability on account of old age shall commence shall not be under seventy years; and also may provide for monuments or tombstones to the memory of its deceased members, and for the payment of funeral benefits. Such society shall have the power to give a member when permanently disabled or upon attaining the age of seventy years all or such portion of the face value of his certificate as the laws of the society may specify; provided that nothing in this article contained shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole of life, which shall be payable upon the death or disability of the member occurring within the term for which the benefit certificate has been issued, or so as to permit any such society hereafter to make any promise or agreement for the payment of money upon the expiration of a fixed period, except as provided in subdivision (b) of subsection one of this section.

(a) Such society shall, upon written application of the member, have the power to accept a part of the periodical contributions in cash and to charge the remainder, not exceeding one-half of the periodical contribution, against the certificate, with interest payable or compounded annually at a rate not lower than four per centum per annum; provided that this privilege shall not be granted except to societies which have readjusted or may hereafter readjust their rates of contributions and to contracts affected by such readjustment.

(b) Any society which shall show, by the annual valuation hereinafter provided for, that it is accumulating and maintaining the full reserve required by a table of mortality not lower than the

American Experience table and four per centum interest, may grant to its members extended and paid-up protection or such withdrawal equities as its constitution and laws may permit; provided that such grants shall in no case exceed in value the portion of the reserve to the credit of the members to whom they are made.

2. Such death benefit shall in certificates hereafter issued be payable only to wife, husband, relative to the fourth degree of consanguinity, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, or to a person or persons dependent upon the member; provided that, if, after the issuance of the original certificate, the member shall become dependent upon an incorporated charitable institution, he shall, with the consent of the society, have the privilege of making such institution his beneficiary. Within the above restrictions each member shall have the right to designate his beneficiary and, from time to time, may have the same changed in accordance with the laws, rules and regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member; provided that any society may, by its laws, limit the scope of beneficiaries within the above classes. No contract under this article shall be valid which shall be conditioned upon an agreement or understanding that the person to whom the death benefit is made payable shall pay the periodical or other contribution of the member.

3. A society may admit to beneficial membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified physician and whose examination has been supervised and approved in accordance with the laws of such society; provided that any beneficiary member of the society who shall apply for a certificate providing for disability benefits need not be required to pass an additional medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members.

§ 232. **Certificates.** Every certificate issued by any such society shall specify the amount of benefit provided thereby, and shall provide that the certificate, the charter or articles of incorporation — or, if a voluntary association, the articles of association — the constitution and laws of the society and the application for membership and medical examination, signed by the applicant, with all amendments to each thereof, shall constitute the agreement between the society and the member; and copies of the

same, certified by the secretary of the society or corresponding officer, shall be received in evidence as to the terms and conditions thereof. Any changes, additions or amendments to said charter or articles of incorporation — or, if a voluntary association, articles of association — constitution or laws duly made or enacted subsequent to the issuance of the benefit certificate, shall bind the member and his beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership.

§ 233. **Funds.** 1. A society may create, maintain, invest, disburse and apply an emergency, surplus or other similar fund, in accordance with its laws. Such funds shall be held, invested and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein, or become entitled to any apportionment or the surrender of any part thereof, except as provided in subdivision (b) of subsection one of section two hundred and thirty-one of this article. The funds from which benefits shall be paid and from which the expenses of the society shall be defrayed shall be derived from periodical or other payments by the members or subordinate bodies of the society, together with accretions of such funds; provided that no society, domestic or foreign, shall hereafter be incorporated or admitted to transact business in this state which does not provide for stated periodical contributions sufficient to provide for meeting the mortuary obligations contracted, when valued upon the basis of the National Fraternal Congress table of mortality as adopted by the National Fraternal Congress, August twenty-third, eighteen hundred and ninety-nine, or any higher standard, with interest assumption not more than four per centum per annum, nor to write or accept members for temporary or permanent disability benefits, except upon tables based upon reliable experience, with an interest assumption not higher than four per centum per annum.

2. Deferred payments of installments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or installments are thereafter to be paid. Such liability shall be the present value of such future payments or installments upon the rate of interest and mortality assumed by the society for valuation; and every society shall maintain a fund sufficient to meet such liability, regardless of proposed future collections to meet any such liabilities.

3. A society shall invest its funds only in securities permitted by the laws of this state for the investment of the assets of life insurance companies; provided that any foreign society permitted or seeking to do business in this state, which invests its funds in accordance with the laws of the state in which it is incorporated, shall be held to meet the requirements of this article for the investment of funds.

4. Every provision of the laws of a society for payment by its members, in whatever form made, shall distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes, or the net accretions of either or any of said funds, shall be used for expenses.

§ 234. **Incorporation.** 1. Seven or more persons, citizens of the United States and a majority of whom are citizens of this state, who desire to form a fraternal benefit society, as defined by this article, may make and sign (giving their addresses), and acknowledge before some officer competent to take acknowledgment of deeds, articles of incorporation, in which shall be stated:

(a) The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company already transacting business in this state as to mislead the public or lead to confusion.

(b) The purpose for which it is formed — which shall not include more liberal powers than are granted by this article, provided that any lawful social, intellectual, educational, charitable, benevolent, moral or religious advantages may be set forth among the purposes of the society — and the mode in which its corporate powers are to be exercised.

(c) The place where its principal office shall be located within the state.

(d) The names, residences and official titles of all the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year, or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body; which election shall be held not later than one year from the date of the issuance of the permanent certificate.

2. Such articles of incorporation, with duly certified copies of the constitution and laws, rules and regulations, and copies of all proposed forms of benefit certificates, applications therefor and circulars to be issued by such society, together with a bond in

the sum of five thousand dollars, with sureties approved by the superintendent of insurance, conditioned upon the return to applicants of the advanced payments, as provided in this section, if the organization is not completed within one year, shall be filed with the superintendent of insurance, who may require such further information as he deems necessary; and, if the purposes of the society conform to the requirements of this article and all provisions of law have been complied with, such superintendent of insurance shall so certify, retain and file the articles of incorporation, and furnish the incorporators a preliminary certificate authorizing said society to solicit members, as hereinafter provided.

3. Upon receipt of said certificate from the superintendent of insurance, the society may solicit members for the purpose of completing its organization, and shall collect from each applicant the amount of not less than one regular monthly payment, in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. But no society shall incur any liability other than for such advanced payments, nor issue any benefit certificate, nor pay or allow, nor offer or promise to pay or allow, to any person any death or disability benefit until actual, bona fide applications for death benefit certificates have been secured upon at least five hundred lives for at least one thousand dollars each, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of such society; nor until there shall be established ten subordinate lodges or branches, into which said five hundred applicants have been initiated; nor until there has been submitted to the superintendent of insurance, under oath of the president and the secretary or corresponding officers of such society, a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of stated periodical contributions — which shall be sufficient to provide for meeting the mortuary obligation contracted, when valued for death benefits upon the basis of the National Fraternal Congress table of mortality, as adopted by the National Fraternal Congress August twenty-third, eighteen hundred and ninety-nine, or any higher standard at the option of the society, and for disability benefits, by tables based upon reliable experience, and for combined death

and permanent total disability benefits by tables based upon reliable experience, with an interest assumption not higher than four per centum per annum; nor until it shall be shown to the superintendent of insurance, by the sworn statement of the treasurer or corresponding officer of such society, that at least five hundred applicants have each paid in cash not less than one regular monthly payment, as herein provided, per one thousand dollars of indemnity to be effected, which payments in the aggregate shall amount to at least twenty-five hundred dollars, all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses.

4. Such advanced payments shall, during the period of organization, be held in trust and, if the organization is not completed within one year, as hereinafter provided, returned to said applicants.

5. The superintendent of insurance may make such examination and require such further information as he deems advisable, and, upon presentation of satisfactory evidence that the society has complied with all the provisions of law, he shall issue to such society a certificate to that effect. Such certificate shall be prima facie evidence of the existence of such society at the date thereof. The superintendent of insurance shall cause a record of such certificate to be made, and a certified copy of such record may be given in evidence with like effect as the original certificate.

6. No preliminary certificate granted under the provisions of this section shall be valid after one year from its date or after such further period, not exceeding one year, as may be authorized by the superintendent of insurance, upon cause shown, unless the five hundred applicants herein required have been secured and the organization has been completed as herein provided; and the articles of incorporation and all proceedings thereunder shall become null and void in one year from the date of said preliminary certificate, or at the expiration of said extended period, unless such society shall have completed its organization and commenced business as herein provided.

7. Every such society shall have the power to make a constitution and by-laws for the government thereof, the admission of its members, the management of its affairs and the fixing and readjusting of the rates of contribution of its members from time to time; and it shall have the power to change, alter, add to or amend such constitution and by-laws, and shall have such other

powers as are necessary and incidental to the carrying into effect of the objects and purposes of the society.

§ 235. **Existing corporations and reincorporation.** Any such society now engaged in transacting business in this state may exercise, after the adoption of this article, all of the rights conferred thereby, including the powers specified in subsection seven of section two hundred and thirty-four of this chapter and all of the rights, powers and privileges now exercised or possessed by it under its charter or articles of incorporation — if incorporated — not inconsistent with this article; or, if it be a voluntary association, it may incorporate hereunder. But no society already organized shall be required to reincorporate hereunder, and any such society may amend its articles of incorporation from time to time, in the manner provided therein or in its constitution and laws, and all such amendments shall be filed with the superintendent of insurance and shall become operative upon such filing, unless a later time be provided in such amendments or in its articles of incorporation, constitution or laws.

§ 236. **Mergers.** No domestic society shall merge with or accept, by contract of reinsurance or otherwise, the transfer of substantially the entire membership or funds of any other society, unless such merger, reinsurance or transfer is evidenced by a contract in writing, setting out in full the terms and conditions of the same, and filed with the superintendent of insurance of this state, together with a sworn statement of the financial condition of each of said societies, made by the respective presidents and secretaries, or corresponding officers, together with a certificate of such officers, duly verified under oath, that such merger, reinsurance or transfer has been approved by a vote of two-thirds of the members of the supreme legislative or governing body of each of said societies. Upon the submission of said contract, financial statements and certificates, the superintendent of insurance shall examine the same and if he shall find such financial statements to be correct and the said contract to be in conformity with the provisions of this section, and that such merger, reinsurance or transfer is just and equitable to the members of each of said societies, he shall approve the same, issue his certificate to that effect and, thereupon, the said contract of merger, reinsurance or transfer shall be of full force and effect; provided that no such merger, reinsurance or transfer proposed by two societies not incorporated in the same state shall go into effect until it is approved by the insurance commissioner, or corresponding officer, of each state

incorporating the societies involved in the proposed transaction, and their joint certificate of approval of the contract therefor is issued.

§ 237. **Foreign societies.** 1. Foreign societies which are now authorized to transact business in this state may continue such business until the first day of April next succeeding the adoption of this article, and the authority of such societies may thereafter be renewed annually, to terminate in all cases on the first day of the succeeding April; provided, however, that the license shall continue in full force and effect until the new license shall be issued or be specifically refused. A duly certified copy or duplicate of such license shall be prima facie evidence that the licensee is a fraternal benefit society, within the meaning of this article.

2. No foreign society now transacting business, organized prior to the adoption of this article, which is not now authorized to transact business in this state, shall transact any business herein without a license from the superintendent of insurance. Any such society may be licensed to transact business within this state, upon filing with such superintendent a duly certified copy of its charter or articles of association, a copy of its constitution and laws, certified by its secretary or corresponding officer, a power of attorney to such superintendent as hereinafter provided, a statement of its business, under oath of its president and secretary or corresponding officers, in the form required by the superintendent, and duly verified by an examination made by the supervising insurance official of its home state or any other state satisfactory to the superintendent of insurance of this state, a certificate from the proper official in its home state, province or country that the society is legally organized, a copy of its contract — which must show that benefits are provided for by periodical or other payments by persons holding similar contracts — and upon furnishing the superintendent such other information as he may deem necessary to a proper exhibit of its business and plan of working. Upon compliance with these requirements, such foreign society shall, subject to the provisions of section nine of this chapter, be entitled to do business in this state until the first day of the succeeding April, and such license shall, upon compliance with the provisions of this article, be renewed annually, to terminate in all cases on the first day of the succeeding April; provided, however, that such license shall continue in full force and effect until the new license shall be issued or be specifically refused. Any foreign society desiring admission to this

state must have the qualifications required of domestic societies organized under this article, and have its assets invested as required by the laws of the state, territory, district, country or province wherein it is organized. When the superintendent refuses to license any society, or revokes its authority to do business in this state, he shall reduce his ruling, order or decision to writing and file the same in his office, and shall, upon request, furnish a copy thereof, together with a statement of his reasons, to the officers of the society, and such action of the superintendent shall be reviewable by proper proceedings in any court of competent jurisdiction within the state; provided, however, that nothing contained in this or the preceding paragraph shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this state during the time the society was legally authorized to transact business herein.

3. Every foreign society now transacting business in this state shall, within thirty days after the adoption of this article, and every such society hereafter applying for admission shall, before being licensed, appoint in writing the superintendent of insurance to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the society, and that the authority shall continue in force so long as any liability remains outstanding in this state. Copies of such appointment, certified by said superintendent of insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as would the original. Such service may be made upon such attorney, or, in his absence, upon the person in charge of his office, and shall be deemed sufficient service upon such society. When legal process against any such society is served upon said superintendent of insurance, he shall forthwith forward by registered mail one of the duplicate copies thereof, prepaid, directed to its secretary or corresponding officer.

§ 238. **Place of meeting and liability of officers.** 1. Any domestic society may provide that the meetings of its legislative or governing body may be held in any state, district, province or territory wherein such society has subordinate branches and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this state. But its principal office shall be located in this state.

2. Officers and members of the supreme, grand or any subordinate body of any such incorporated society shall not be individually liable for the payment of any disability or death benefit provided for in the laws and agreements of such society, but the same shall be payable only out of the funds of such society and in the manner provided by its laws.

§ 239. **Limitation upon power to waive provisions of the society's laws.** The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or members, shall have the power or authority to waive any of the provisions thereof, and the same shall be binding upon the society and each and every member thereof and on all beneficiaries of members.

§ 240. **Exemption from execution.** No money or other benefit, charity, relief or aid to be paid, provided or rendered by any such society shall be liable to attachment, garnishment or other process, or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment.

§ 241. **Amendments to constitution and laws.** Every society transacting business under this article shall file with the superintendent of insurance a duly certified copy of all amendments of or additions to its constitution and laws, within ninety days after the enactment of the same. Printed copies of the constitution and laws as amended, changed or added to, certified by the secretary or corresponding officer of the society, shall be prima facie evidence of the legal adoption thereof.

§ 242. **Reports and valuations.** 1. Every society transacting business in this state shall, annually, on or before the first day of March, file with the superintendent of insurance, in such form as he may require, a statement under oath of its president and secretary, or corresponding officers, of its condition and standing on the thirty-first day of December last preceding, and of its transactions for the year ending on that date, and shall also furnish such other information as the superintendent may deem necessary to a proper exhibit of its business and plan of working. Such superintendent may at other times require any further statement he may deem necessary to be made relating to such society.

2. In addition to the annual report herein required, each society shall report, annually, to the superintendent a valuation of its certificates in force on December thirty-first last preceding, exclud-

ing those issued within the year for which the report is filed, in cases where the contributions for the first year, in whole or in part, are used for current mortality and expenses; provided the first report of valuation shall be made as of December thirty-first, nineteen hundred and twelve. Such report of valuation shall show, as contingent liabilities, the present midyear value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and, as contingent assets, the present midyear value of the future net contributions provided in the constitution and laws as the same are in practice actually collected, not including therein any value for the right to make extra assessments. At the option of any society, in lieu of the above, the valuation may show the net value of the certificates subject to valuation, hereinbefore provided, and said net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years.

3. Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the superintendent within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except those for disability benefits, shall be the National Fraternal Congress table of mortality, as adopted by the National Fraternal Congress, August twenty-third, eighteen hundred and ninety-nine, or, at the option of the society, any higher table, or it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives, with interest assumption not more than four per centum per annum. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society; provided that, where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation shall be according to tables of reliable experience, and, in such case, a separation of the funds shall not be required. The valuation herein provided for shall not be considered or regarded as a test of the financial solvency of the society, except as provided in subsection

five of this section, but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its matured liabilities.

4. Beginning with the year nineteen hundred and fourteen, a report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member thereof not later than June first of each year, or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same be mailed to each such beneficiary member. The laws of such society shall provide that, if the stated periodical contributions of the members are insufficient to pay all matured death and disability claims in full and to provide for the creation and maintenance of the funds required by its laws, or found necessary otherwise, additional contributions, or additional, increased or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of a member his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per centum per annum.

5. If the valuation of the certificates, as hereinbefore provided, on December thirty-first, nineteen hundred and seventeen, shall show that the present value of future net contributions, together with the admitted assets, is less than ninety per centum of the present value of the promised benefits and accrued liabilities, such society shall be required thereafter to reduce such deficiency by not less than five per centum of the total deficiency existing on the said December thirty-first, nineteen hundred and seventeen, at each succeeding triennial valuation. If, at any succeeding triennial valuation, such society does not show such percentage of improvement, the superintendent shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has not made the percentage of improvement required herein, the superintendent may, in the absence of good cause shown for such failure, institute proceedings for the liquidation and dissolution of such society, in accordance with the provisions of section sixty-three[1] of this chapter, or, in the case of a

[1] As added by L. 1909, ch. 310, and amended by L. 1910, ch. 634 and L. 1911, ch. 366.

foreign society, he may cancel its license to transact business in this state; provided that nothing contained in section sixty-three of this chapter shall be construed to authorize, prior to December thirty-first, nineteen hundred and seventeen, any application for the possession or liquidation of any society organized or transacting business pursuant to the provisions of this article by reason of the fact that the condition of such society is found, after examination, to be such that it could not meet the requirements for incorporation and authorization specified in this article.

6. Any such society shown by any triennial valuation, subsequent to December thirty-first, nineteen hundred and seventeen, not to have made the improvement herein required shall, within one year thereafter, complete such deficient improvement, or, thereafter, as to all new members admitted, be subject, so far as stated rates of contribution are concerned, to the provisions of section two hundred and thirty-four of this article applicable to the organization of new societies; provided that the contributions and funds of such new members shall be kept separate and apart from the other funds of the society until the required improvement shall be shown by valuation. If such required improvement is not shown by the succeeding triennial valuation, then the said new members may be placed in a separate class, and their certificates valued, in respect to contributions and funds, as an independent society.

§ 243. **Examinations.** 1. The superintendent of insurance, or any deputy, examiner or other person whom he shall appoint, shall have the power of visitation and examination into the affairs of any domestic society. He may employ assistants for the purpose of such examination, and he, or any person he may so appoint, shall have free access to all the books, papers and documents that relate to the business of the society, and may summon, qualify as witnesses under oath and examine its officers, agents and employees or other persons in relation to the affairs, transactions and condition of the society.

2. The superintendent of insurance, or any deputy, examiner or other person whom he shall appoint, may examine any foreign society transacting, or applying for admission to transact business in this state. The said superintendent may employ assistants, and he or any person so appointed shall have free access to all the books, papers and documents that relate to the business of the society, and may summon, qualify as witnesses under oath and examine its officers, agents and employees or other persons

in relation to the affairs, transactions and condition of the society. Such superintendent may, in his discretion, accept, in lieu of said examination, the examination of the insurance department of the state, territory, district, province or country wherein such society is organized. If any such society or its officers refuse to submit to such examination or to comply with the provisions of the section relative thereto, the authority of such society to write new business in this state shall be suspended or its license refused until satisfactory evidence is furnished the superintendent as to the condition and affairs of the society, and during such suspension, the society shall not write new business in this state.

3. Except for the purpose of instituting proceedings under section sixty-three[2] of this chapter, pending, during or after an examination or investigation of any such society, either domestic or foreign, the superintendent of insurance shall make public no financial statement, report or finding, nor shall he permit to become public any financial statement, report or finding affecting the status, standing or rights of any such society, until a copy thereof shall have been mailed to such society, at its home office, nor until such society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding and to make such showing in connection therewith as it may desire.

§ 244. **Revocation of license.** When, upon investigation, the superintendent of insurance is satisfied that any foreign society transacting business under this article has exceeded its powers, or has failed to comply with any provisions of this article, or is conducting business fraudulently or in a way hazardous to its members, creditors or the public, or is not carrying out its contracts in good faith, he shall notify the society of his findings, stating in writing the grounds of his dissatisfaction, and, after reasonable notice, require said society, on a date named, to show cause why its license should not be revoked. If, on the date named in said notice, such objections have not been removed to the satisfaction of the said superintendent, or if the society does not present good and sufficient reasons why its authority to transact business in this state should not at that time be revoked, he may revoke the authority of the society to continue business in this state.

[2] As added by L. 1909, ch. 300, and amended by L. 1910, ch. 634 and L. 1911, ch. 366.

§ 245. **Exemption of certain societies.** Nothing contained in this article shall be so construed as to affect or apply to grand or subordinate lodges of Masons, Odd Fellows, Knights of Pythias (exclusive of the insurance department of the supreme lodge Knights of Pythias), or societies which limit their admission to membership in any one hazardous occupation, or to similar societies which do not issue insurance certificates, or to an association of local lodges of a society now doing business in this state which provides death benefits not exceeding three hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year to any one person, or both, or to any contracts of reinsurance business on such plan in this state, or to domestic societies which limit their membership to the employees of a particular city or town, designated firm, business house or corporation, or to domestic lodges, orders or associations of a purely religious, charitable and benevolent description, which provide for a death benefit of not more than one hundred dollars, or for disability benefits of not more than one hundred and fifty dollars to any one person in any one year; provided, always, that any such domestic order or society which has more than five hundred members and which provides for death or disability benefits, and any such domestic lodge, order or society which issues to any person a certificate providing for the payment of benefits, shall not be exempt by the provisions of this section but shall comply with all the requirements of this article; and provided, further, that nothing in subdivisions (a) and (b) of subsection one of section two hundred and thirty-one of this chapter and subsections two, three, four, five and six of section two hundred and forty-two of this chapter shall affect or apply to the Independent Order Free Sons of Israel or to any corporation, society, order or voluntary association which was, prior to the first day of March, nineteen hundred and eleven, organized and doing business in this state on the lodge system, as provided in subsection two of section two hundred and thirty of this chapter, which does not issue death benefit certificates in a sum exceeding five hundred dollars to any one member and whose membership is confined and limited exclusively to persons of one particular religious faith. The superintendent of insurance may require from any society such information as will enable him to determine whether such society is exempt from the provisions of this article. No society which, by the provisions of this section, is exempt from the requirements of this article, shall give or allow,

or promise to give or allow, to any person any compensation for procuring new members. Any fraternal benefit society, heretofore organized and incorporated and operating within the definitions set forth in section two hundred and thirty of this article, providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this article and shall have all the privileges and be subject to all the provisions and regulations of this article, except that the provisions thereof requiring medical examinations, valuations of benefit certificates, and that the certificates shall specify the amount of benefits, shall not apply to such society.

§ 246. **Taxation.** Every fraternal benefit society organized or licensed under this article is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal and school tax, other than taxes on real estate and office equipment.

§ 247. **Penalties.** 1. Any person, officer, member or examining physician of any society authorized to do business under this article, who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money from or benefit in any society transacting business under this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than a year, or both, in the discretion of the court; and any person who shall willfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate-holder in any such society, for the purpose of procuring payment of a benefit named in the certificate of such holder, or any person who shall willfully make any false statement in any verified report or declaration under oath, required or authorized by this article, shall be guilty of perjury and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury.

2. Any person who shall solicit membership for, or in any manner assist in procuring membership in, any fraternal benefit society not licensed to do business in this state, or who shall solicit membership for, or in any manner assist in procuring membership in, any such society not authorized as herein provided to do business

as herein defined in this state, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

3. Any society, or any officer, agent or employee thereof, neglecting or refusing to comply with or violating any of the provisions of this article, the penalty for which neglect, refusal or violation is not specified in this section, shall, upon conviction thereof, be fined not exceeding two hundred dollars.

§ 248. **Application of other sections of this chapter.** Sections six,[3] seven,[4] nine,[3] ten, thirty-five, thirty-six, forty-seven and sixty-three[5] of this chapter are hereby made specifically applicable to any corporation, society, order or voluntary association described in, and transacting or seeking authority to transact the business of insurance in this state authorized by, the provisions of article seven of this chapter.

§ 249. **Review.** All decisions and findings of the superintendent of insurance made under the provisions of this article and all other sections of this chapter made applicable thereto may be reviewed by proper proceedings in any court of competent jurisdiction.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

In effect July 1, 1911.

§ 4. This act shall take effect July first, nineteen hundred and eleven.

[3] As amended by L. 1910, ch. 634.

[4] As amended by L. 1909, ch. 301, and L. 1910, ch. 634.

[5] As added by L. 1909, ch. 300, and amended by L. 1910, ch. 634 and L. 1911, ch. 366.

Chap. 199.

AN ACT to authorize and empower the village of Hempstead in the county of Nassau and state of New York to construct a sewerage system and disposal plant and to acquire land therefor and to issue and sell bonds of the village not to exceed the sum of two hundred and fifty thousand dollars for said purpose and to authorize the raising of taxes to pay the principal and interest of said bonds and to legalize and validate the adoption of a proposition submitted at the annual election in said village held March twenty-first, one thousand nine hundred and eleven, authorizing the issuance of bonds for said purpose.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Adoption of proposition for construction of sewerage system and issue of bonds therefor, legalized.

Section 1. The adoption of a proposition submitted at the annual election of the village of Hempstead, held in said village on March twenty-first, nineteen hundred and eleven, appropriating the sum of two hundred and fifty thousand dollars for the construction of a sewerage system in said village to sewer all the streets of such village; to purchase the farm formerly known as the Longman farm, south of the village, for the purpose of erecting a sewage disposal plant thereon, including an outfall main, two pumping plants with duplicate pumping apparatus, one septic tank, dosing chamber and twelve filter beds, and authorizing the issuance of bonds therefor, is hereby in all respects legalized and validated except that the bonds shall mature in installments as provided in the village law instead of running for a period of thirty years as in said proposition provided, and the trustees of said village are authorized to construct said sewerage system and sewage disposal plant and to acquire said land.

Bonds to mature when.

Authority of trustees.

Sale, etc., of bonds.

§ 2. The trustees of the village of Hempstead are hereby authorized to sell in the manner provided in section one hundred and twenty-nine of the village law, bonds of the village of Hempstead to an amount not exceeding the sum of two hundred and fifty thousand dollars, which bonds shall become due within thirty years from date of issue, and shall be so issued as to provide for the payment of the indebtedness in equal annual installments, the

first of which shall be payable not more than five years from their date, and to apply the proceeds thereof toward the cost of constructing said sewerage system and sewage disposal plant and acquiring said land.

Application of proceeds.

Tax for payment.

§ 3. There shall be raised annually by tax a sum sufficient to pay the principal and interest of said bonds as the same shall become due and payable.

Pending actions.

§ 4. This act shall not affect any action or proceeding now pending in any court.

§ 5. This act shall take effect immediately.

Chap. 200.

AN ACT to amend the banking law, in relation to lawful money reserve.

Became a law May 31, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 10, § 67, as amended by L. 1909, ch. 223, and L. 1910, ch. 399, amended.

Section 1. Section sixty-seven of chapter ten of the laws of nineteen hundred and nine, entitled "An act in relation to banks, individual bankers and corporations under the supervision of the banking department, constituting chapter two of the consolidated laws," as amended by chapter two hundred and twenty-three of the laws of nineteen hundred and nine and chapter three hundred and ninety-nine of the laws of nineteen hundred and ten, is hereby amended so as to read as follows:

§ 67. **Lawful money reserve.** Every bank or individual banker shall at all times have on hand in lawful money of the United States, gold certificates, silver certificates, or notes or bills issued by any lawfully organized national banking association an amount equal to at least twenty-five per centum of the aggregate amount of its deposits, exclusive of time deposits not payable within thirty days, represented by certificates showing the amount of the deposit, the date of issue and the date when due, and, also, exclusive of deposits which are secured by outstanding unmatured bonds or other obligations[1] issued by the state of New York, or secured by outstanding un-

[1] Words "or other obligations" new.

matured bonds, corporate stock, revenue bonds, assessment bonds or other obligations issued by the city of New York, and exclusive also of an amount equal to the market value, but not exceeding the par value, of any such bonds or other obligations of the state of New York or of the city of New York owned and held by such bank or individual banker, or held by a public department, a public officer or officers of this state, or of any other state, or of the United States, in trust for such bank or individual banker,[2] if its principal place of business is located in any borough in any city of the state which borough according to the last preceding state or United States census had a population of one million eight hundred thousand or over; and an amount equal to at least twenty per centum of the aggregate amount of its deposits, exclusive of time deposits not payable within thirty days, represented by certificates showing the amount of the deposit, the date of issue and the date when due, and, also exclusive of deposits which are secured by outstanding unmatured bonds or other obligations issued by the state of New York, or secured by outstanding unmatured bonds, corporate stock, revenue bonds, assessment bonds or other obligations issued by the city of New York, and exclusive also of an amount equal to the market value, but not exceeding the par value, of any such bonds or other obligation of the state of New York or of the city of New York owned and held by such bank or individual banker, or held by a public department, a public officer or officers of this state, or of any other state, or of the United States, in trust for such bank or individual banker,[3] if its principal place of business is located in any borough, which borough according to the last preceding state or United States census had a population of one million or over, and less than one million eight hundred thousand; and an amount equal to at least fifteen per centum of the aggregate amount of its deposits, exclusive of time deposits not payable within thirty days, represented by certificates showing the amount of the deposit, the date of issue and the date when due, and, also, exclusive of deposits which are secured by outstanding unmatured bonds or other obligations[4] issued by the state of New York, or secured by outstanding unmatured bonds, corporate stock, reve-

[2] Words "or secured by outstanding unmatured bonds, corporate stock . . . individual banker," new.

[3] Words "of the aggregate amount of its deposits . . . or individual banker," new.

[4] Words "or other obligations" new.

nue bonds, assessment bonds or other obligations issued by the city of New York, and exclusive also of an amount equal to the market value, but not exceeding the par value, of any such bonds or other obligations of the state of New York or of the city of New York owned and held by such bank or individual banker, or held by a public department, a public officer or officers of this state, or of any other state, or of the United States, in trust for such bank or individual banker,[5] if its principal place of business is located elsewhere in the state. The amount thus to be kept on hand shall be called its lawful money reserve. Two-fifths of such lawful money reserve of any bank or individual banker located in any borough in any city in the state which borough according to the last preceding state or United States census had a population of eighteen hundred thousand or over, one-half of such lawful money reserve of any bank or individual banker located in any borough in any city of the state which borough according to the last preceding state or United States census had a population of less than eighteen hundred thousand and which bank or individual banker does not maintain a branch office in any borough having a population according to the last preceding state or United States census of eighteen hundred thousand or over, and three-fifths of the lawful money reserve of any bank or individual banker located elsewhere in the state may consist of moneys on deposit subject to call with any bank or trust company in this state having a capital of at least two hundred thousand dollars, or a capital of at least one hundred and fifty thousand dollars and a surplus of at least one hundred and fifty thousand dollars, and approved by the superintendent of banks as a depositary of lawful money reserve. If the lawful money reserve of any bank or individual banker shall be less than the amount required by this section, such bank or banker shall not increase its liabilities by making any new loans or discount otherwise than by discounting bills of exchange payable on sight, or making any dividends from profits until the full amount of its lawful money reserve has been restored. The superintendent of banks may notify any bank or individual banker whose lawful money reserve shall be below the amount herein required to make good such reserve; and if it shall fail for thirty days thereafter to make good such reserve, such bank or individual banker shall be deemed insolvent and may be proceeded against as an insolvent moneyed corporation.

[5] Words "or secured by outstanding unmatured bonds, corporate stock . . . or individual banker," new.

§ 2. Section one hundred and ninety-eight of said chapter ten of the laws of nineteen hundred and nine is hereby amended so as to read as follows: § 198 amended.

§ 198. **Lawful money reserve.** Every trust company having its principal place of business or a branch office for the receipt and payment of deposits in a borough in any city in the state which borough had according to the last preceding state or United States census a population of eighteen hundred thousand or over shall at all times have on hand a reserve fund equal to at least fifteen per centum of the aggregate of its deposits, exclusive of moneys held by it in trust, which are not made payable under the conditions of the trust within thirty days and also exclusive of time deposits not payable within thirty days represented by certificates showing the amount of the deposit, the date of issue, and the date when due and also exclusive of deposits which are secured by outstanding unmatured bonds or other obligations[6] issued by the state of New York, [7]or secured by outstanding unmatured bonds, corporate stock, revenue bonds, assessment bonds or other obligations issued by the city of New York, and exclusive also of an amount equal to the market value, but not exceeding the par value, of any such bonds or other obligations of the state of New York or of the city of New York owned and held by such trust company or held by a public department, a public officer or officers of this state, or of any other state, or of the United States, in trust for such trust company. The whole of such reserve fund must consist of either lawful money of the United States, gold certificates, silver certificates, or notes or bills issued by any lawfully organized national banking association. Every trust company having its principal place of business in a borough in any city in the state which borough had according to the last preceding state or United States census a population of less than eighteen hundred thousand which does not maintain a branch office in a borough having a population of over eighteen hundred thousand inhabitants according to the last preceding state or United States census, shall at all times have on hand a reserve fund equal to at least fifteen per centum of the aggregate of its deposits, exclusive of moneys held by it in trust, which are not made payable under the conditions of the trust within thirty days and also exclusive of time deposits not payable within thirty days represented by certificates show-

[6] Words "or other obligations" new.
[7] Remainder of sentence new.

ing the amount of the deposit, the date of issue and the date when due and also exclusive of deposits which are secured by outstanding unmatured bonds or other obligations[8] issued by the state of New York, [9]or secured by outstanding unmatured bonds, corporate stock, revenue bonds, assessment bonds or other obligations issued by the city of New York, and exclusive also of an amount equal to the market value, but not exceeding the par value, of any such bonds or other obligations of the state of New York or of the city of New York owned and held by such trust company or held by a public department, a public officer or officers of this state, or of any other state, or of the United States, in trust for such trust company. The whole of such reserve fund may, and at least two-thirds thereof must, consist of either lawful money of the United States, gold certificates, silver certificates, or notes or bills issued by any lawfully organized national banking association, and the balance thereof over and above the part consisting of lawful money of the United States, gold certificates, silver certificates, notes or bills issued by any lawfully organized national banking association must consist of moneys on deposit subject to call in any bank or trust company in this state having a capital of at least two hundred thousand dollars or a capital and surplus of at least three hundred thousand dollars, and approved by the superintendent of banks. Every trust company having its principal place of business elsewhere in this state shall at all times have on hand a reserve fund equal to at least ten per centum of its aggregate deposits, exclusive of moneys held by it in trust which are not made payable under the conditions of the trust within thirty days and also exclusive of time deposits not payable within thirty days represented by certificates showing the amount of deposit, the date of issue and the date when due and also exclusive of deposits which are secured by outstanding unmatured bonds or other obligations[8] issued by the state of New York, [9]or secured by outstanding unmatured bonds, corporate stock, revenue bonds, assessment bonds or other obligations issued by the city of New York, and exclusive also of an amount equal to the market value, but not exceeding the par value, of any such bonds or other obligations of the state of New York or of the city of New York owned and held by such trust company or held by a public department, a public officer or officers of this state, or of any other state, or of the United

[8] Words "or other obligations" new.
[9] Remainder of sentence new.

States, in trust for such trust company. The whole of such last mentioned reserve fund may, and at least fifty per centum thereof must, consist either of lawful money of the United States, gold certificates, silver certificates, or notes or bills, issued by any lawfully organized national banking association; and the balance thereof over and above the part consisting of lawful money of the United States, gold certificates, silver certificates, notes and bills, issued by any lawfully organized national banking association, must consist of money on deposit subject to call in any bank or trust company in this state having a capital of at least two hundred thousand dollars or a capital and surplus of at least three hundred thousand dollars and approved by the superintendent of banks. The amounts to be kept on hand, as above provided, shall be called the lawful money reserve. If the lawful money reserve of any trust company shall be less than the amount required by this section such trust company shall not increase its liability by making any new loans or discounts otherwise than by discounting bills of exchange, payable on sight or making any dividends of its profits until the full amount of its lawful money reserve has been restored. The superintendent of banks may notify any trust company whose lawful money reserve shall be below the amount herein required to make good such reserve, and if it shall fail for thirty days thereafter to make good such reserve such trust company shall be deemed insolvent, and may be proceeded against as an insolvent moneyed corporation.

§ 3. This act shall take effect immediately.

Chap. 201.

AN ACT to authorize and empower the village of Hempstead, in the county of Nassau and state of New York, to issue and sell bonds of the village not to exceed the sum of eight thousand one hundred dollars for the purpose of purchasing land for a village park and to authorize the raising of taxes to pay the principal and interest of said bonds and to legalize and validate the adoption of a proposition submitted at the annual election in said village held March twenty-first, one thousand nine hundred and eleven, authorizing the issuance of said bonds for said purpose.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Adoption of proposition for bond issue, legalized.

Section 1. The adoption of a proposition submitted at the annual election of the village of Hempstead held in said village on March twenty-first, one thousand nine hundred and eleven, authorizing the raising upon the taxable property of the village of the sum of eight thousand one hundred dollars by the issuance of its bonds paying interest at the rate of three per centum per annum for the purchase of certain premises therein described for a village park is hereby in all respects legalized and validated except that the bonds shall mature in instalments as provided in the village law instead of running for a period of eight years, as in said proposition provided and said bonds shall be sold to the person offering to take them at the lowest rate of interest not exceeding five per centum per annum.

Bonds to mature when.

To be sold to whom.

Sale authorized.

§ 2. The trustees of the village of Hempstead are hereby authorized to sell in the manner provided in section one hundred and twenty-nine of the village law bonds of the village of Hempstead to an amount not exceeding the sum of eight thousand one hundred dollars, which bonds shall become due within eight years from the date of the issue and shall be so issued as to provide for the payment of the indebtedness in equal annual instalments, the first of which shall be payable not more than five years from their date and to apply the proceeds thereof toward the cost of acquiring said land.

Tax for payment.

§ 3. There shall be raised annually by tax a sum sufficient

to pay the principal and interest of said bonds as the same shall become due and payable.

§ 4. This act shall not affect any action or proceeding now pending in any court. Pending actions.

§ 5. This act shall take effect immediately.

Chap. 202.

AN ACT to authorize and empower the village of Hempstead, in the county of Nassau and state of New York, to issue and sell bonds of the village not to exceed the sum of thirty thousand dollars for the purpose of erecting a village building for village offices and fire department purposes and to authorize the raising of taxes to pay the principal and interest of said bonds and to legalize and validate the adoption of a proposition submitted at the annual election in said village held March twenty-first, one thousand nine hundred and eleven, authorizing the issuance of bonds for said purpose.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The adoption of a proposition submitted at the annual election of the village of Hempstead held in said village on March twenty-first, nineteen hundred and eleven, appropriating the sum of thirty thousand dollars for the erection of a village building on village property on the south side of Fulton avenue in said village for village offices and fire department purposes in accordance with the plans referred to in said proposition and to pay therefor by the issue and sale of bonds of the village of Hempstead, is hereby in all respects legalized and validated except that the bonds shall mature in instalments as provided in the village law instead of running for a period of twenty years as in said proposition provided. Adoption of proposition for bond issue, legalized. Bonds to mature when.

§ 2. The trustees of the village of Hempstead are hereby authorized to sell in the manner provided in section one hundred and twenty-nine of the village law, bonds of the village of Hempstead to an amount not exceeding the sum of thirty thousand dollars, which bonds shall become due within twenty years from the Sale authorised.

date of the issue and shall be so issued as to provide for the payment of the indebtedness in equal annual instalments, the first of which shall be payable not more than five years from their date and to apply the proceeds thereof toward the cost of erecting said village building for village offices and fire department purposes.

Tax for payment.

§ 3. There shall be raised annually by tax a sum sufficient to pay the principal and interest of said bonds as the same shall become due and payable.

Pending actions.

§ 4. This act shall not affect any action or proceeding now pending in any court.

§ 5. This act shall take effect immediately.

Chap. 203.

AN ACT to amend the county law, in relation to the salary of the surrogate of Oneida county.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 16, § 232, subd. 31 amended.

Section 1. Subdivision thirty-one of section two hundred and thirty-two of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," is hereby amended to read as follows:

31. Oneida.....3,000.00 5,000.00[1]

In effect Jan 1, 1913.

§ 2. This act shall take effect January first, nineteen hundred and thirteen.

[1] Formerly $3,500.

Chap. 204.

AN ACT to amend the executive law, in relation to the attorney-general.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty of chapter twenty-three of the laws of nineteen hundred and nine, entitled "An act in relation to executive officers, constituting chapter eighteen of the consolidated laws," as amended by chapter six hundred and ninety-one of the laws of nineteen hundred and ten, is hereby amended to read as follows:[1] L. 1909, ch. 23, § 60, as amended by L. 1910, ch. 691, amended.

§ 60. **Salary and expenses.** The attorney-general shall be paid an annual salary of ten thousand dollars.

§ 2. Section sixty-one of such chapter is hereby amended to read as follows:[1] § 61 amended.

§ 61. **Deputies.** The attorney-general may appoint such deputies as he may deem necessary and fix their compensation.

§ 3. This act shall take effect immediately.

Chap. 205.

AN ACT to amend the village law, in relation to the preparation and filing of maps and description of the corporate limits of certain incorporated villages.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. *To amend section eighty of chapter sixty-four of the laws of nineteen hundred and nine, entitled "An act relating to villages, constituting chapter sixty-four of the consolidated laws," is hereby amended to read as follows: L. 1909, ch 64, § 80 amended.

* So in original.

[1] Section materially amended.

§ 80. **President.** The president of a village is its executive officer and the head of its police force. It is his duty to see that the provisions of this chapter, and the resolutions and ordinances of the board of trustees, are enforced, to cause all offenses created thereby to be prosecuted, to institute civil actions in the corporate name of the village for penalties recoverable by the village, to exercise supervision over the conduct of the police and other subordinate officers of the village, and to recommend to the board of trustees such measures as he may think necessary. If the president be absent or unable to perform the duties of his office, the trustees shall appoint one of their number to act as president, who, during the absence or inability of the president, is vested with all the powers and may perform all the duties of the president. [1]If he be the president of a village incorporated prior to July eighteenth, nineteen hundred and seven, he shall cause to be prepared an outline map and description of the corporate limits of such village, which map shall be drawn or traced in black india ink on tracing cloth, which map and description shall be certified by him as true and correct, and transmitted to, and filed by the secretary of state as a record of his office. Within sixty days after this act becomes a law it shall be the duty of the secretary of state to notify the president of each of the villages herein designated to file with him within sixty days after such notification such map and description as herein required. The cost of preparing such outline map and description shall be a proper charge in the maintenance of the government of the village.

§ 2. This act shall take effect immediately.

Chap. 206.

AN ACT to amend the code of civil procedure, in relation to challenges to jury.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1180 amended.

Section 1. Section eleven hundred and eighty of the code of civil procedure is hereby amended to read as follows:

[1] Remainder of section new.

§ 1180. An objection to the qualifications of a juror is available only upon a challenge. A challenge of a juror, or a challenge to the panel or array of jurors, must be tried and determined by the court only. Either party may except to the determination, and it may be reviewed, upon a question of fact, or a question of law, or both, as where an issue of fact presented by the pleadings is tried by the court; except that where one or more exceptions are taken to the rulings of the court, made after the jury is empaneled, an exception to the determination of a challenge must be heard at the same time; and the case must contain the matters necessary to present it, upon the facts, or the law, or both. The fact that a juror is in the employ of a party to the action; or, if a party to the action is a corporation, that he is an employee thereof or a shareholder or a stockholder therein; or in actions for damages for injuries to person or property, that he is a shareholder, stockholder, director, officer or employee, or in any manner interested, in any insurance company issuing policies for protection against liability for damages for injury to person or property,[1] shall constitute a good ground for a challenge to the favor as to such juror.

Challenges of jurors, how tried.

Review of determination of court.

Grounds for challenges.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

In effect Sept. 1, 1911.

Chap. 207.

AN ACT to amend the membership corporations law, in relation to Young Men's Christian Associations.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter forty of the laws of nineteen hundred and nine, entitled "An act relating to membership corporations, constituting chapter thirty-five of the consolidated laws," is hereby amended by inserting therein, as part of article eight thereof, and after section one hundred and forty-three, a new section to be known as section one hundred and forty-four, to read as follows:

§ 144 added to L. 1909, ch. 40.

§ 144. **Incorporation of county committees.** Any ten or more

[1] Words "or in actions for damages . . . or property," new.

men, resident in any county of this state, appointed by the state executive committee of Young Men's Christian Associations of the state of New York, to act as the county committee of Young Men's Christian Associations for such county, which appointment shall be evidenced by a certificate to that effect under the hand of the chairman of such state executive committee, and duly acknowledged by him, and filed in the office of the secretary of state with the certificate of incorporation hereinafter provided for, may become a corporation for the purpose of improving the spiritual, mental, social and physical condition of young men, by making, acknowledging and filing a certificate stating the particular objects for which the corporation is to be formed; which objects shall conform to the general rules and regulations of, and shall be approved by, the state executive committee of the Young Men's Christian Associations of this state, by the certificate of its chairman endorsed thereon; the name of the proposed corporation which shall be "The County Committee of the Young Men's Christian Associations of ———— County, New York" (the blank space being filled by the name of the county in which the incorporators reside); the town, village or city in which its principal office is to be located; the names and places of residence of the persons to be its officers until the first annual election; the names of six trustees, each of whom shall be a member of some protestant evangelical denomination, and not more than two of whom shall be members of any one denomination, and shall be divided into three classes to hold office for one, two and three years respectively, or until their successors are elected by a majority vote of all the members of such corporation. Such certificate shall not be filed without the approval of a justice of the supreme court endorsed thereon, or annexed thereto. On filing such certificate in pursuance of law, the signers thereof, and their successors, shall be a corporation in accordance with the provisions of such certificate.

The management and control of the property and affairs of such corporation shall be vested in its members and their successors in office, except that the powers and duties of the trustees thereof shall be those specified in section one hundred and forty-one of this article; and the successors of such members shall be elected annually at a meeting of the Young Men's Christian Associations of the county for which such committee has been appointed, at which meeting each association may be represented by one delegate for each ten active members of such association.

A plurality vote of the delegates present, and voting at such meeting, shall be sufficient to elect. If any vacancy in the membership of such corporation shall occur during the interim between the regular elections, it may be filled by the remaining members.

The officers of the corporation shall consist of a chairman, treasurer and secretary, and such other officers as the members may decide; and shall be elected annually by such members from their own number.

§ 2. This act shall take effect immediately.

Chap. 208.

AN ACT to ratify, confirm and legalize the proceedings had and taken in the matter of the sale and issuance of sewer assessment bonds by the village of Monticello in the county of Sullivan, in the aggregate amount of thirty thousand dollars, and to provide for the payment of the interest and principal thereof.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the acts and proceedings had and taken by the village of Monticello in the county of Sullivan, by its electors, board of sewer commissioners, board of trustees, officers and agents, leading up to and including the sale and award, on the fifteenth day of March, nineteen hundred and eleven, of sewer assessment bonds of said village, amounting in the aggregate to the sum of thirty thousand dollars, consisting of thirty bonds of the denomination of one thousand dollars each, numbered one to thirty inclusive, dated March fifteenth, nineteen hundred and eleven, and payable in installments of six bonds each as consecutively numbered on July first in each of the years nineteen hundred and eleven to nineteen hundred and fifteen inclusive, with interest thereon at the rate of five per centum per annum, payable annually, are hereby ratified, confirmed and legalized, with the exception of the resolution adopted at a joint meeting of the board of trustees and sewer commissioners of said village, held on the twenty-eighth day of February, nineteen hundred and eleven,

Proceedings relative to bond issue legalized.

Exception

directing that said bonds be signed by the board of trustees and board of sewer commissioners, notwithstanding any defect or irregularity, or the omission of any lawful requirement in, or relating to such acts and proceedings.

Execution and delivery directed.

§ 2. All, and each, of said bonds so sold and awarded, shall be signed by the president and treasurer and attested by the clerk under the corporate seal of said village, and when so executed, shall be delivered by the treasurer of said village to the purchasers thereof at said sale, or to their assignees or nominees, upon the receipt of the price bid therefor, not less than par, and when so executed and delivered, shall become and be valid obligations of said village. If for any reason all or any of such purchasers to whom said bonds were awarded on said sale shall decline to accept or pay for said bonds or any of them, the board of trustees shall advertise and sell said bonds pursuant to the provisions of the village law.[1]

Bonds validated. Resale.

Tax for payment.

§ 3. The proper officers of said village, in the manner provided by law, shall cause such amounts to be raised annually, by tax, as shall be necessary to pay the interest and principal of said bonds as the same shall become due.

Pending actions.

§ 4. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect.

Chap. 209.

AN ACT to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof," and to provide for closing certain streets in said village.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 89 added to L. 1866, ch. 220.

Section 1. Chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs and the several acts

[1] L. 1909, ch. 64. See § 129.

amendatory thereof," is hereby amended by adding thereto a section, to be designated as section eighty-nine,[1] and to read as follows:

Application to close streets, etc., lying between park lands.

§ 89. In case the village shall, at any time, have acquired for park purposes lands lying on both sides of any public street, avenue, lane or alley in said village, or on both sides of any portion of any such street, avenue, lane or alley, the commissioner of parks, in case he shall deem it for the public advantage to close such street, avenue, lane or alley, or such portion thereof, may apply to the supreme court for the appointment of three commissioners to determine upon the propriety of discontinuing such street, avenue, lane or alley, or such portion thereof upon both sides of which the village shall have acquired lands for park purposes, and to assess the damages by reason thereof. Upon the presentation of such petition, the court must appoint three disinterested freeholders, who shall be residents of the county, but not residents of the town of Saratoga Springs, and who shall not be related by consanguinity or affinity within the sixth degree to any person interested in the proceeding, or to the owner of any lands affected thereby, as commissioners to determine the propriety of the discontinuance of such street, avenue, lane or alley, or such part thereof as is specified in the petition and the damages to be paid therefor. The said commissioners shall appoint a time and place at which they shall meet to hear all persons interested. They shall personally examine the street, avenue, lane or alley described in the petition and hear any reasons that may be offered for or against the discontinuance thereof and assess all damages by reason thereof, taking into account the benefits resulting from the improvement. The commissioner of parks shall give notice of the time and place of the meeting of the commissioners by publishing the notice thereof for two weeks prior thereto in the newspapers in said village designated by the board of trustees for the publication of official notices. If a majority of the commissioners shall determine that the discontinuance of said street, avenue, lane or alley or the portion thereof designated in said petition is for the public advantage, they shall assess all damages which may be required to be assessed by reason thereof and make duplicate certificates to that effect and thereupon the village may enclose the lands within the bounds of the street, avenue, lane or alley or portion

Court to appoint commissioners.

Hearing.

Examination by commissioners.

Notice of meeting of commissioners.

Assessment of damages.

[1] Another § 89, relative to observance by commissioner of parks of regulations of state reservation commission, was added by L. 1910, ch. 690.

Costs and expenses, how paid.

thereof discontinued within the public parks of said village. The costs and expenses of the proceeding, together with all damages awarded by the decision of the said commissioners, with interest thereon from the day of filing such decision, shall be inserted in the next village tax levy and paid by the receiver of taxes to the persons entitled thereto. The provisions of the condemnation law[2] relating to the powers, duties and compensation of commissioners, the confirmation or setting aside of their report, the costs of the proceeding, including additional allowances, the review of the final order and all other provisions thereof for the regulation of proceedings instituted thereunder shall, so far as applicable, apply to all proceedings under this section.

Condemnation law to apply.

§ 2. This act shall take effect immediately.

Chap. 210.

AN ACT to amend the military law, in relation to privileges, prohibitions and penalties.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 41, § 241 amended.

Section 1. Section two hundred and forty-one of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

§ 241. **Military parades by unauthorized bodies prohibited.** No body of men, other than the active militia and the troops of the United States except such independent military organizations as were on the twenty-third day of April, eighteen hundred and eighty-three, and now are, in existence, shall associate themselves together as a military company or organization, or parade in public with firearms in any city or town of this state. No city or town shall raise or appropriate any money toward arming or equipping, uniforming or in any other way supporting, sustaining or providing drill rooms or armories for any such body of men; but associations wholly composed of soldiers honorably discharged from the service of the United States, or members of

[2] See code of civil procedure, §§ 3357–3384.

the order of Sons of Veterans may parade in public with firearms on Decoration day, or on May first, known as Dewey day, or upon the reception of any regiments or companies of soldiers returning from such service, and for the purpose of escort duty at the burial of deceased soldiers, and students in educational institutions where military science is a prescribed part of the course of instruction, and cadet organizations composed of youths under eighteen years of age, under responsible instructors,[1] may, with the consent of the governor, drill and parade with firearms in public under the superintendence of their instructors.[2] This section shall not be construed to prevent any organization authorized to do so by law from parading with firearms, nor to prevent parades by the national guard or naval militia of any other state. The independent military organizations mentioned in this section, not regularly organized as organizations of the national guard, are hereby made subject to the orders of the governor in case of emergency or necessity, to aid the national guard in quelling invasion, insurrection, riot or breach of the peace provided the officers and members of such organization shall, when so called upon, first sign and execute and deliver through their commanding officer to the officer to whom it is ordered to report, a form of enlistment in form to be prescribed by the governor in regulations or orders for a term not less than thirty days nor more than ninety days at one time; and if the service of such organization shall not be required for the full term of their enlistment they shall be discharged by the order of the governor. All members of such independent organizations when called into service of the state, as herein provided for, shall be equipped and paid by the state, and shall be protected in the discharge of their duties, and in obeying the orders of the governor, as though a part of the national guard of the state. Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

[1] Words "and cadet organizations composed of youths under eighteen years of age, under responsible instructors," new.

[2] Formerly "teachers."

Chap. 211.

AN ACT making an appropriation for the protection of forests from fire.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of fifty thousand dollars ($50,000), or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury not otherwise appropriated, for the payment of salaries, expenses, supplies and equipment for the enforcement of the fire provisions of the forest, fish and game law.[1]

§ 2. This act shall take effect immediately.

Chap. 212.

AN ACT to authorize the board of trustees of the village of Brownville to convey the cemeteries owned by said village to the "Brownville Cemetery Association."

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Convey-ance au-thorized.

Section 1. The board of trustees of the village of Brownville is hereby authorized and empowered to grant and convey unto the "Brownville Cemetery Association," of Brownville, a cemetery corporation, the cemeteries and the cemetery lands of said village situated in said village of Brownville and in the town of Brownville, Jefferson county, and bounded and described as follows: All that tract or parcel of land situate in the village of Brownville and in the town of Brownville, county of Jefferson, state of New York, and described as follows: Beginning at a point in the northerly margin of Basin street and in the easterly line of William Ingerson's (formerly William Middlebrook's)

[1] L. 1909, ch. 24. See §§ 67–75.

land one thousand eight hundred seventy-five and five-tenths feet westerly from the intersection of the westerly margin of Franklin street with the northerly margin of said Basin street in the village of Brownville aforesaid, said point of beginning being the southwest corner of the cemetery; running thence northerly along the said Ingerson easterly line, at an angle of ninety-one degrees fifty-five minutes with the northerly margin of Basin street easterly of the point of beginning, three hundred ninety-six feet to a point, being the northwest corner of the cemetery; thence easterly, at an interior angle of eighty-eight degrees fifty-four minutes with the said last mentioned line, along the southerly line of Charles Webber's land seven hundred eighty-seven and seven-tenths feet to a point, being the northeast corner of the cemetery; thence southerly, at an interior angle of eighty-nine degrees forty-eight minutes with the said last mentioned line, along the westerly line of John J. Sullivan's land three hundred four and five-tenths feet to the southerly margin of the New York Central and Hudson River Railroad Company's (formerly the Watertown and Rome Railroad Company's) right of way; thence easterly along the said southerly margin of said railroad right of way to a point in said southerly margin, being the northeast corner of a parcel of land known as the Charles Steele lot conveyed from John Miller and wife to Alfred Kilborn by deed dated October first, eighteen hundred and fifty-nine, recorded in Jefferson county clerk's office July sixth, eighteen hundred and sixty-three, in book of deeds one hundred and fifty-three at page two hundred and eight, said southerly margin of said railroad right of way being also the northerly line of the said Alfred Kilborn land; thence southerly from said southerly margin along the easterly line of the said Alfred Kilborn land, being the westerly line of John J. Sullivan's land, to a point in the northerly margin of Basin street, eight hundred three and one-tenth feet distant from the place of beginning, being the southeast corner of the said Alfred Kilborn land; thence westerly along the northerly margin of Basin street eight hundred three and one-tenth feet to the place of beginning; excepting and reserving therefrom the lands conveyed to the Watertown and Rome Railroad Company for a right of way for railroad purposes, from William Lord by deed dated July nineteenth, eighteen hundred and fifty-one, recorded in Jefferson county clerk's office August fifth, eighteen hundred and fifty-one, in book of deeds one hundred and two at page two hundred and ninety-four,

and from the said village of Brownville by deed dated April thirtieth, eighteen hundred and fifty-one, recorded in Jefferson county clerk's office May third, eighteen hundred and fifty-one, in book of deeds one hundred and one at page one hundred and ninety-six; containing, exclusive of said reservations, six and thirteen one-hundredths acres of land, be the same more or less, as surveyed by William T. Field, engineer, April tenth, nineteen hundred and eleven.

Cemetery association authorized to take title; rights.

§ 2. The said "Brownville Cemetery Association" is hereby authorized and empowered to take the title to the said cemeteries and cemetery lands, and from and after such grant and conveyance said board of trustees of the village of Brownville shall have no control or supervision over the said cemeteries and cemetery lands, but the title to the same shall upon such grant and conveyance vest in and the same shall be held and controlled by the said "Brownville Cemetery Association" which shall have all the authority, power, supervision and control over the said cemeteries and cemetery lands, over the burial lots and plats therein and over the rights of the owners of the use thereof, now and hereafter conferred by law upon cemetery corporations.

Rights of persons in cemetery lands reserved.

§ 3. All the rights heretofore acquired and now possessed by the persons using the said cemeteries and cemetery lands for burial purposes are reserved to them, their heirs and successors, subject to the provisions of this act and to the rules and regulations of the said "Brownville Cemetery Association."

§ 4. This act shall take effect immediately.

Chap. 213.

AN ACT to amend the executive law, in relation to examiners in the office of the comptroller.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 45 added to L. 1909, ch. 22.

Section 1. Article four of chapter twenty-three of the laws of nineteen hundred and nine, entitled "An act in relation to executive officers, constituting chapter eighteen of the consoli-

dated laws," is hereby amended by inserting a new section therein, to be section forty-five,[1] to read as follows:

§ 45. **Examiners.** Whenever the comptroller may deem it necessary to enable him to perform the duties imposed upon him by law with regard to the inspection, examination and audit of the fiscal affairs of the state and the several officers, departments, institutions and municipal divisions thereof, he may assign to the work of inspection, audit and examination of such fiscal affairs, examiners appointed by him pursuant to the provisions of section forty-three[2] of this article and of section thirty-four of article three of the general municipal law.[3]

§ 2. This act shall take effect immediately.

Chap. 214.

AN ACT making an appropriation for the improvement of the canals.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two million dollars ($2,000,000) is hereby appropriated to be expended in carrying out the purposes of the act for the improvement of the Cayuga and Seneca barge canal as provided by chapter three hundred and ninety-one of the laws of nineteen hundred and nine and the acts amendatory thereof and supplemental thereto, said sum hereby appropriated being payable from the proceeds of the sale of bonds, as provided in said act and for the purposes specified therein.

§ 2. This act shall take effect immediately.

[1] Another § 45, providing for the posting of bulletins of appointments, licenses and designations by the comptroller, was added by L. 1910, ch. 159.

[2] As amended by L. 1910, ch. 193.

[3] L. 1909, ch. 29. § 34, as amended by L. 1910, ch. 301.

Chap. 215.

AN ACT making an appropriation for the improvement of the canals.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of ten million dollars ($10,000,000.00) is hereby appropriated to be expended in carrying out the purposes of the act for the improvement of the Erie canal, the Oswego canal and the Champlain canal as provided by chapter one hundred and forty-seven of the laws of nineteen hundred and three and the acts amendatory thereof and supplemental thereto, said sum hereby appropriated being payable from the proceeds of the sale of bonds, as provided in said act and for the purposes specified therein.

§ 2. This act shall take effect immediately.

Chap. 216.

AN ACT to amend the real property law, in relation to the commissions of a trustee appointed by the supreme court on the death of the surviving or sole trustee of an express trust.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 52, § 111 amended.

Section 1. Section one hundred and eleven of chapter fifty-two of the laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," is hereby amended to read as follows:

§ 111. **Trust estate not to descend.** On the death of the last surviving or sole surviving trustee of an express trust the trust estate shall not descend to his heirs nor pass to his next of kin or personal representatives; but in the absence of a contrary direction on the part of the person creating the same, such trust, if

unexecuted, shall vest in the supreme court, with all the powers and duties of the original trustee or trustees, and shall be executed by some person appointed for that purpose under the direction of the court, but who shall not be appointed until the beneficiary or beneficiaries shall have been brought into court by such notice and in such manner as the court or a justice thereof may direct; and the person so appointed shall give such security as the court may require, and shall be subject to the same requirements of law as to accounting and the administration of the trust as are testamentary trustees; and shall be entitled to such compensation for his services by way of commissions as may be fixed by any court which has power to pass upon his final account,[1] which shall in no case exceed that now allowed by law to executors and administrators, besides his just and reasonable expenses in the matter in which he is appointed.

§ 2. This act shall take effect immediately.

Chap. 217.

AN ACT to amend the personal property law, in relation to the commissions of a trustee appointed by the supreme court on the death of the surviving or sole trustee of an express trust.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty of chapter forty-five of the laws of nineteen hundred and nine, entitled "An act relating to personal property, constituting chapter forty-one of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 45, § 20 amended.

§ 20. **When trust vests in supreme court.** On the death of a last surviving or sole surviving trustee of an express trust, the trust estate does not pass to his next of kin or personal representative, but, if the trust be unexecuted, in the absence of a contrary direction on the part of the person creating the same, it vests in the supreme court and shall be executed by some person

[1] Words "may be fixed by any court which has power to pass upon his final account" substituted for the words "the court appointing him shall determine."

appointed by the court, whom the court may invest with all or any of the powers and duties of the original trustee or trustees. The beneficiary or beneficiaries of the trust shall have such notice as the court may direct of the application for the appointment of such person; and the person so appointed shall give such security as the court may require, and shall be subject to the same requirements of law as to accounting and as to the administration of the trust as apply to testamentary trustees; and shall be entitled to such compensation for his services by way of commissions as may be fixed by any court which has power to pass upon his final account,[1] which shall in no case exceed that now allowed by law to executors and administrators, besides his just and reasonable expenses in the matter in which he is appointed.

§ 2. This act shall take effect immediately.

Chap. 218.

AN ACT to amend the code of civil procedure, in relation to notice of trial, note of issue and calendar.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 977 amended.

Section 1. Section nine hundred and seventy-seven of the code of civil procedure is hereby amended to read as follows:

§ 977. **Notice of trial and note of issue; calendar to be prepared.** At any time after the joinder of issue, and at least fourteen days before the commencement of the term, either party may serve a notice of trial. The party serving the notice must file with the clerk a note of issue, stating the title of the action, the names of the attorneys, the time when the last pleading was served, the nature of the issue, whether of fact or of law; and, if an issue of fact, whether it is triable by jury, or by the court, without a jury, and the particular nature of the same and the object of the action. The note of issue must be filed at least twelve days before the commencement of the term. The clerk must thereupon enter

[1] Words "may be fixed by any court which has power to pass upon his final account" substituted for the words "the court appointing him shall determine."

the cause upon the calendar according to the date of issue. The clerk must prepare the calendar and have the necessary copies ready for distribution at least five days before the commencement of the term. In the counties of New York, Kings, Queens, Nassau,[1] Richmond, Albany, Erie, Monroe, Onondaga, Schenectady, and Westchester, where a party has served a notice of trial, and filed a note of issue, for a term at which the case is not tried, it is not necessary for him to serve a new notice of trial, or file a new note of issue, for a succeeding term; and the action must remain on the calendar until it is disposed of.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

Chap. 219.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of raising money to purchase lots, and to erect, construct, complete, enlarge and equip buildings for the use of the police and fire departments of said city.

Became a law May 31, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful for the city of Buffalo to issue its bonds in the sum of one million dollars for the purpose of raising money to purchase lots, and to erect, construct, complete, enlarge and equip buildings for the use of the police and fire departments of the said city; such bonds to bear interest at a rate to be specified when the bonds are ordered issued from time to time by the common council and approved by the mayor, payable semi-annually at the office of the comptroller of the city of Buffalo or at the Gallatin National Bank of the city of New York, as the purchaser may elect, the principal to be payable at the same place, twenty years from the date of issue thereof. Such bonds shall be issued from time to time by the mayor and comptroller, under the city seal, as may be ordered by the common council, and shall be sold or awarded as provided in section four hundred and ninety-two of

[1] Provision as to Nassau county new.

the charter.[1] The common council shall make provision in the general fund estimates of said city for the payment of the interest on and the principal of said bonds as the same shall become due.

§ 2. This act shall take effect immediately.

Chap. 220.

AN ACT to amend the personal property law, in relation to the application of funds collected for charitable or benevolent purposes.

Became a law June 1, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Subd. 4 added to L. 1909, ch. 45, § 12.

Section 1. Section twelve of chapter forty-five of the laws of nineteen hundred and nine, entitled "An act relating to personal property, constituting chapter forty-one of the consolidated laws," is hereby amended by adding thereto a new subdivision, which shall read as follows:

4. Whenever heretofore or hereafter any voluntary association or committee shall have received by public subscription from contributors exceeding one thousand in number a fund for a charitable or benevolent purpose, a portion of which shall remain unexpended after the expiration of five years from its receipt, and it shall appear that a literal compliance with the terms of the subscription is impracticable, the supreme court may, on the application of such association, or of the treasurer of the committee having the custody of such unexpended balance, and upon twenty days' personal notice to the attorney-general, and four weeks' notice by publication once a week for four successive weeks in two newspapers of general circulation published in the county in which the treasurer of such association or of such committee shall reside, or, if such treasurer shall reside out of the state in the county in which at least ten per centum of the contributors to such fund shall have resided at the time of its receipt, otherwise in such manner as the court shall prescribe, to the contributors as a class, to ten specified members of such class, and to the trustees of such association, or to the surviving members of such committee, make an order directing that such balance be

[1] L. 1891, ch. 105.

transferred for administration to such domestic corporation as in the judgment of the court will most effectually accomplish the general purpose for which said fund shall have been collected, without regard to and free from any express or implied limitation, restriction or direction upon which the subscription shall have been made; and on the transfer of said fund to the corporation designated in such order, said voluntary association and its officers and trustees, or said committee and its treasurer and other officers, shall be fully exonerated and discharged from all liability to account therefor.

§ 2. This act shall take effect immediately.

Chap. 221.

AN ACT to amend the charter of the city of Cortland in relation to the collection of ashes and garbage in said city.

Became a law June 1, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title ten of chapter one hundred and sixty of the laws of nineteen hundred, entitled "An act to incorporate the city of Cortland," as amended by chapter four hundred of the laws of nineteen hundred and four, is hereby amended by adding at the end thereof a new section to be known as section one hundred and seventy-six and to read as follows:

§ 176 added to L. 1900, ch. 160.

§ 176. The board of health of the city of Cortland is hereby authorized and empowered, with the approval of a majority of the common council, to enter into a contract for the collection of ashes and garbage, which shall be let to the lowest responsible bidder, but such bids may all be rejected and new bids asked for, if not deemed in the interest of the city. Notice of time and place when such bids will be received shall be published in the official papers. The board of health shall have the further power to pass resolutions and ordinances governing such collection. The cost of such garbage collection shall be borne by the city at large, and the common council of the city of Cortland shall make due provision by tax for the payment of same.

Board of health authorized to contract for collection of ashes and garbage.

Cost, how borne.

§ 2. This act shall take effect immediately.

Chap. 222.

AN ACT to amend section three hundred and ten of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," as amended by chapter eighty-three of the laws of eighteen hundred and ninety-eight, relating to the removal of snow and ice from sidewalks on the parks, parkways and park approaches in said city.

Became a law June 1, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1891, ch. 105, § 310, as amended by L. 1898, ch. 83, amended.

Section 1. Section three hundred and ten of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," as amended by chapter eighty-three of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

Duties and powers of board of park commissioners.

§ 310. A majority of the board shall constitute a quorum for the transaction of business. The said board shall have the full and exclusive power to make rules and by-laws for the orderly transaction of their business; to govern, manage and direct, and to lay out and regulate the parks and approaches thereto; to appoint a superintendent and such engineers, surveyors, clerks and other officers as may be necessary; to prescribe and define their respective duties and to fix the amount of their compensation, and generally in regard to said parks and approaches thereto they shall possess all the power and authority now by law conferred upon or possessed by the common council in respect to the public streets, sidewalks, squares and places in said city. The

Construction, etc., of roadways.

said board shall have sole and exclusive power by contract or otherwise, to open, grade, construct, repair and maintain the roadways of said approaches, and the assent of adjacent property owners thereto shall not be necessary; but no such work shall be done where any part thereof is assessable, as hereinafter provided, until notice of intention to order it shall have been published in the official paper, by order of said board, at least twice a week for two consecutive weeks before the same shall be ordered, the

last publication to be at least one week before the same is so ordered, and all interested parties shall have an opportunity to be heard before said board at such time as it shall appoint in such notice; provided that no notice or hearing shall be necessary in the case of work the expense of which shall not exceed two hundred dollars. The said board shall have power to control sidewalk borders, and to plant, regulate and maintain trees thereon, and to construct and lay, or cause to be constructed and laid, sidewalks on said approaches, and to provide by ordinance for repairing the same, and removing snow, ice and dirt therefrom, by or at the expense of the owners and occupants of the property in front of which such sidewalks may be, and to provide fines and penalties for violation of such ordinances, not exceeding twice the cost of such repairing and the removing of such ice, snow and dirt, and all persons violating the same shall be deemed guilty of a misdemeanor, and punished as hereinafter provided. [1]The said board shall also have power to enact ordinances providing for the removal of snow and ice from any or all sidewalks on said parks, parkways and approaches, by men employed by the department of parks or by the commissioner of public works on requisition of said board. [1]Such requisition may be made, at the option of said board, by one resolution adopted each year including all sidewalks under its control, or by separate resolutions for each park, parkway or approach, or part thereof, as may be designated in any such resolution. [1]The cost of such work of removing snow or ice from such sidewalks, either by the men employed by the department of parks, or by the commissioner of public works, may be defrayed by local assessment upon the abutting and contiguous real property in front of which such work is done according to lineal frontage, and said expense shall be a charge and lien on such real property; provided, however, that the cost of doing such work on sidewalks in the interior and not upon the edge or border of the parks, parkways, and approaches shall be a charge upon the general fund of the department. [1]If the work is done by or under the commissioner of public works it shall be done and the expense thereof collected in manner and form provided by section two hundred and eighty-eight of this act. [1]If the work is done by men employed by the department of parks, said board shall cause assessment-rolls to be made therefor, notice and an opportunity to be heard in regard to said assess-

Control of sidewalk borders, etc.

Removal of snow and ice from park sidewalks.

Cost, how defrayed.

[1] Following sentence new.

ments, to be given to the owners or agents, respectively, in charge of said property, and said rolls shall be corrected, revised and confirmed by said board in a manner to be prescribed by ordinance enacted by it. [1]Bonds shall be issued, from time to time, to raise money in anticipation of collections from said assessment-rolls, or any of them, and shall be redeemed from the sums so collected by the same procedure as is prescribed for like bonds, issued for like purposes for the department of public works. The said approaches shall, within the intent and meaning of this act, be deemed to include all lands within the boundaries thereof, together with all rights and easements appurtenant thereto, and such portions thereof as may be within the boundaries of intersecting city streets; provided, nevertheless, that the common council shall have jurisdiction of said intersecting city streets up to the curb line of such approach, but no new street shall be laid out to intersect any park approach without the consent of the park commissioners, and the expense of opening, grading, paving, repairing and maintaining the roadways and sidewalks of such portions of said intersecting city streets shall be assessed and collected in the same manner as the expense of constructing, grading and repairing the city streets or sidewalks. The officers and policemen heretofore appointed by the said park board, who are in office when this act takes effect shall continue in office as members of the regular police force of the city of Buffalo, with the rank and pay of patrolmen.

Park approaches deemed to include what.

Intersecting streets.

Park police continued.

§ 2. This act shall take effect immediately.

Chap. 223.

AN ACT to amend the liquor tax law, in relation to bonds to be given.

Became a law June 1, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 39, § 16, as amended by L. 1910,

Section 1. Section sixteen of chapter thirty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the traffic in liquors and for the taxation and regulation of the same,

[1] Following sentence new.

and to provide for local option, constituting chapter thirty-four of the consolidated laws," as amended by chapter four hundred and eighty-four of the laws of nineteen hundred and ten, is hereby amended to read as follows: ch. 484, amended.

§ 16. **Bonds to be given.** Each person taxed under this chapter, shall, at the time of making the application provided for in section fifteen of this chapter, file in the office of the county treasurer of the county in which such traffic is to be carried on, or in the office of the special deputy commissioner of excise, if there be one, or if the application be under subdivision four of section eight of this chapter, with the state commissioner of excise, a bond to the people of the state of New York, in the penal sum of the amount plus one-half of the tax for one year upon the kind of traffic in liquor to be carried on by such applicant, where carried on, but in no case for less than five hundred dollars, conditioned that there is no material false statement in the application statement for such liquor tax certificate, and that if the liquor tax certificate applied for is given, the applicant or applicants will not, while the business for which such liquor tax certificate is given shall be carried on, suffer or permit any gambling in the place designated by the liquor tax certificate in which the traffic in liquors is to be carried on, or in any yard, booth, garden or any other place appertaining thereto or connected therewith, or suffer, permit or have any opening or means of entrance or passageway for persons or things between the room where the traffic in liquors is carried on, and any other room or place where any person whosoever suffers or permits any gambling, or suffer or permit such premises to become disorderly, or suffer, permit or have any opening or means of entrance or passageway for persons or things between the room or place where the traffic in liquors is carried on, and any other room or place which any person whosoever suffers or permits to become disorderly, and will not violate any of the provisions of this chapter or any act amendatory thereof or supplemental thereto; and that all fines and penalties which shall accrue during the time the certificate applied for is held, and any judgment or judgments recovered therefor, will be paid, together with all costs taxed or allowed in any action or proceeding brought or instituted under the provisions of this chapter. Such bond shall be executed by each such applicant, and if given by a corporation or association, by some person or persons duly authorized so to do as principal, and by at least two sureties who shall be freeholders severally owning within the county, city or borough where the traffic in liquors is to be

carried on, under the certificate applied for, unencumbered real estate of the value of not less than the penalty of the bond and who shall be residents of the county, city or borough in which the premises are where such traffic is to be carried on, or instead of such sureties, by a corporation duly authorized to issue surety bonds by the laws of this state and approved by the state commissioner of excise, but the state commissioner shall not withhold such approval except in the case of a corporation which is of questionable solvency or which has defaulted in the payment for more than thirty days after notice of entry of a judgment recovered by the state commissioner of excise under this chapter. The bond, if given by two sureties, shall have annexed thereto or indorsed thereon the affidavit of each surety that he is not engaged in the traffic in liquors nor employed in the conduct of such business, that he is a freeholder and that he owns unencumbered real estate situate in the county, city or borough where the traffic in liquors is to be carried on under the certificate applied for, of the value of not less than the penalty of the bond, the location of which shall be described in said affidavit, and if in a city or village the street and number given, and that he is worth double the penal sum named in such bond over and above his property exempt by law from levy and sale upon an execution and over and above his just debts and liabilities. The applicant may file in lieu of either of the other sureties herein provided a certificate of deposit for an amount equal to the penalty of said bond plus two hundred dollars. Said certificate to have been issued by an institution authorized by the state comptroller as a depository of state funds. Such certificate shall be drawn to the order of the applicant and be indorsed by him to the state commissioner of excise and the said sum so deposited as shown by said certificate shall at all times be applicable in payment of any judgment recovered by the state commissioner of excise upon said bond. If after the satisfaction of said judgment, there shall remain any surplus out of said deposit, the said surplus shall be at once returned by the state excise commissioner to the said applicant. The state commissioner of excise may at any time without previous prosecution or conviction for violation of any provision of this chapter, or for the breach of any condition of said bond, commence and maintain an action, in his name, as such commissioner, in any court of record in any county of the state, for the recovery of the penalty for the breach of any condition of any bond or for any penalty or penalties incurred or imposed for a violation of this chapter, provided, however, that such

action must be commenced within nine months[1] after the cause of action has accrued. Should the surety given upon such bond be that of a certificate of deposit as above provided, demand may be made nine[2] months or more after the expiration of the certificate granted upon the application which was accompanied by said bond,[3] by the principal of said bond or his assignee of said certificate of deposit, for the surrender by the state excise commissioner of said certificate of deposit. Said certificate shall be surrendered within ninety days after such demand, unless an action for the recovery of the penalties provided for in said bond shall have been begun. All moneys recovered in such actions shall be paid over and accounted for in the same manner as are moneys collected under subdivision four of section eight of this chapter, but no recovery shall be had in any action commenced hereafter on any bond filed and approved by the certificate issuing officer subsequent to April second, nineteen hundred and three, for more than the amount, plus one-half, of the tax for one year at the place for which the bond in suit was given, provided that no recovery on any such bond shall be for less than five hundred dollars.

§ 2. This act shall take effect immediately.

Chap. 224.

AN ACT to amend the Greater New York charter, in relation to notes to be issued in anticipation of the sale of corporate stock.

Became a law June 1, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by adding thereto, after section

§ 189 added to L. 1897, ch. 378, as re-enacted by L. 1901, ch. 466.

[1] Formerly two years.
[2] Formerly eighteen.
[3] Words "certificate granted upon the application which was accompanied by said bond" substituted for the words "license for which said bond was given."

one hundred and eighty-eight thereof, a new section, to be known as section one hundred and eighty-nine, to read as follows:

NOTES TO BE ISSUED IN ANTICIPATION OF THE SALE OF CORPORATE STOCK.

§ 189. The comptroller is authorized to issue, whenever he may deem it for the best interests of the city so to do, bills or notes, hereinafter described as "notes," maturing within a period not to exceed one year, in anticipation of the sale of corporate stock duly authorized at the time such notes are issued. The proceeds of the sale of such notes shall be used only for the purposes for which may be used the proceeds of the sale of corporate stock in anticipation of the sale whereof the notes were issued. All of such notes and any renewals thereof shall be payable at a fixed time, and no renewal of any such note shall be issued after the sale of corporate stock in anticipation of which the original note was issued. In the event that a sale of such corporate stock shall not have occurred prior to the maturity of the notes so issued in anticipation of such sale the comptroller shall, in order to meet the notes then maturing, issue renewal notes for such purpose. Every such note and renewal note shall be payable from the proceeds of the next succeeding sale of corporate stock. The total amount of such notes or renewals thereof issued and outstanding shall at no time exceed one-half of the total amount of corporate stock authorized to be issued and if no sale of corporate stock shall have been held within six months preceding the issue of such notes then the total amount of such notes or renewals thereof, issued and outstanding, shall at no time exceed one-half the total amount of corporate stock authorized to be issued on the date which shall be six months after such last preceding sale.

§ 2. This act shall take effect immediately.

Chap. 225.

AN ACT to authorize the commissioners of the land office to grant to the Buffalo, Rochester and Pittsburg Railway Company a certain tract of land in the town of Wheatland, Monroe county, and in the town of Caledonia, Livingston county, heretofore acquired by the state for fish hatchery purposes.

Became a law June 1, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners of the land office may, upon the certificate of the forest, fish and game commissioner that the same is no longer needed for fish hatchery purposes, and upon a compensation to be agreed upon, grant to the Buffalo, Rochester and Pittsburg Railway Company, for railroad purposes, all that tract or parcel of land, heretofore acquired by the state for fish hatchery purposes and situate partly in the town of Wheatland, Monroe county, and partly in the town of Caledonia, Livingston county, state of New York, bounded and described as follows: Beginning at a point in the westerly bounds of the highway leading from Mumford to Caledonia where said boundary is intersected by the southerly right of way line of the Buffalo, Rochester and Pittsburg Railway Company; thence southeasterly along the boundary of said highway one hundred feet; thence westerly in a direct line ninety-five feet to a point distant fifty feet southerly at right angles from said right of way line; thence southwesterly along a line parallel to and fifty feet from said right of way line one hundred and thirty-five feet; thence northerly at right angles fifty feet to said right of way line; thence northeasterly along said right of way line two hundred and sixty feet to the place of beginning, containing thirty-three one-hundredths of an acre, more or less.

§ 2. This act shall take effect immediately.

Chap. 226.

AN ACT to amend the civil rights law, in relation to exhibition of photographs.

Became a law June 1, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 14, § 51 amended.

Section 1. Section fifty-one of chapter fourteen of the laws of nineteen hundred and nine, entitled "An act relating to civil rights, constituting chapter six of the consolidated laws," is hereby amended to read as follows:

§ 51. **Action for injunction and for damages.** Any person whose name, portrait or picture is used within this state for advertising purposes or for the purposes of trade without the written consent first obtained as above provided may maintain an equitable action in the supreme court of this state against the person, firm or corporation so using his name, portrait or picture, to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use and if the defendant shall have knowingly used such person's name, portrait or picture in such manner as is forbidden or declared to be unlawful by the last section, the jury, in its discretion, may award exemplary damages. [1]But nothing contained in this act shall be so construed as to prevent any person, firm or corporation, practicing the profession of photography, from exhibiting in or about his or its establishment specimens of the work of such establishment, unless the same is continued by such person, firm or corporation after written notice objecting thereto has been given by the person portrayed.

§ 2. This act shall take effect immediately.

[1] Remainder of section new.

Chap. 227.

AN ACT to expedite the work of improving the Oswego canal by providing for a suspension of navigation during a portion of the season of nineteen hundred and eleven.

Became a law June 1, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized to close to navigation that portion of the Oswego canal between Three River Point and lock number eleven at Fulton during the season of navigation of nineteen hundred and eleven, to and including July thirty-first, nineteen hundred and eleven; and to close to navigation that portion of the Oswego canal between Three River Point and Lake Ontario on September fifteenth, nineteen hundred and eleven, and to cause the same to remain closed to navigation for the balance of the season of navigation of nineteen hundred and eleven thereafter; provided that nothing herein contained shall be deemed to permit the closing of the said canal, or any portion thereof, to navigation during any other year than that herein named.

§ 2. All conflicting acts or parts of acts are hereby repealed to the extent that they may be in conflict herewith.

§ 3. This act shall take effect immediately.

Chap. 228.

AN ACT to amend the agricultural law, in relation to cider vinegar.

Became a law June 1, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-two of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," as

L. 1909, ch. 9, § 72, as amended by L. 1909, ch 210, amended.

amended by chapter two hundred and ten of the laws of nineteen hundred and nine, is hereby amended to read as follows:[1]

§ 72. **Packages containing vinegar to be branded.** Every manufacturer or producer of vinegar shall plainly brand each cask, barrel, or other container of such vinegar with his name and place of business, the kind of vinegar contained therein and the substance or substances from which it was made. And no person shall mark or brand as or for cider vinegar any package containing that which is not cider vinegar. Every person who sells any vinegar, except it be delivered to the purchaser in the unbroken package in which such seller received it, shall plainly and conspicuously mark or brand the receptacle or container in which such vinegar is delivered to the purchaser, whether such receptacle or container be furnished by the seller or purchaser, with a label showing the kind of vinegar so delivered and the substance or substances from which it was made. Nothing herein shall be deemed to prohibit the sale of cider vinegar stock, provided it be sold as and for such and in compliance with the provisions of this article as to marking or branding. The term "cider vinegar stock" when used herein, shall be construed to mean acetified apple juice of less acidity than that required for vinegar which contains not less than two per centum of apple solids and sufficient alcohol to develop the acidity required in vinegar.

In effect July 1, 1911.

§ 2. This act shall take effect July first, nineteen hundred and eleven.

Chap. 229.

AN ACT to provide for services by retired judges of the court of appeals and fixing compensation therefor.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Retired judge of court of appeals may act as referee in certain cases.

Section 1. Every judge of the court of appeals whose term of office shall expire by reason of his having attained the constitutional age limit,[2] or who shall have attained the age of seventy years in the year when his term of office expires, may signify to

[1] Section materially amended.
[2] See art. 6, § 12.

the governor in writing his willingness to perform the duties imposed upon a retired judge of the court of appeals by this act; and upon taking the constitutional oath of office[8] to discharge the duties hereby imposed such retired judge of the court of appeals shall act as referee, without any compensation whatsoever to be paid by the parties, in any and all actions and special proceedings of a civil nature which may be referred to him by consent, wherein the people of the state of New York may be a party or in which the attorney-general is authorized by law to appear or which the attorney-general is authorized to prosecute or defend in his official capacity; for which services, so rendered or to be rendered, each such retired judge of the court of appeals shall receive an annual salary of six thousand dollars, in equal quarterly installments, to be paid by the comptroller. Salary.

§ 2. This act shall take effect immediately.

Chap. 230.

AN ACT to amend the town law, in relation to the compensation of certain town officers in the counties of Rockland and Orange.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article thirty-one of chapter sixty-three of the laws of nineteen hundred and nine, entitled "An act relating to towns, constituting chapter sixty-two of the consolidated laws," is hereby amended by adding at the end thereof a new section, to be section five hundred and eighty-six, to read as follows: § 586 added to L. 1909, ch 63.

§ 586. **Compensation of certain town officers.** Each member of the town board and of the board of health in each of the towns in the counties of Orange and Rockland shall receive three dollars for each day's attendance at the meetings of such boards, and in addition thereto mileage at the rate of ten cents per mile going and returning from his place of residence to the place where such meeting is held.

§ 2. This act shall take effect immediately.

[8] See constitution, art. 13, § 1; public officers law (L. 1909, ch. 51), § 10.

Chap. 231.

AN ACT to amend section six of chapter five hundred and seventeen of the laws of eighteen hundred and ninety-nine, entitled "An act to authorize the paving or macadamizing of streets, avenues, highways and public places in the village of Port Chester, Westchester county, and to provide for the payment of the expense of the same," in relation to the rate of interest of certificates of indebtedness or assessment bonds therein authorized to be issued.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1899, ch. 517, § 6 amended.

Section 1. Section six of chapter five hundred and seventeen of the laws of eighteen hundred and ninety-nine, entitled "An act to authorize the paving or macadamizing of streets, avenues, highways and public places in the village of Port Chester, Westchester county, and to provide for the payment of the expense of the same," is hereby amended to read as follows:

Issue of certificates of indebtedness or assessment bonds pending collection of assessments.

§ 6. The said trustees are further authorized and empowered pending the collection of the assessments, or when a contract shall be made under this act for paving or macadamizing, to issue certificates of indebtedness or assessment bonds of said village for such periods not exceeding five years, and to be of such denomination, bear such rate of interest not exceeding five per centum[1] per annum as the trustees shall determine, for the purpose of providing the means necessary to pay that part or proportion of the assessments for paving or macadamizing any street, avenue, highway or public place, which shall be fixed and determined by the trustees to be borne by the abutting or adjoining property or property benefited, or by assessment upon the abutting or adjoining property benefited by said work or improvement, made or performed, or that shall hereafter be made or performed, in all cases in which said expense is to be paid in part by an assessment upon said property. The proceeds of said certificates or bonds shall be used only for paying the part of the expense to be paid or borne by the abutting property or property benefited. Certificates of indebtedness or assessment bonds issued under this act, may also be issued

Application of proceeds.

Issue to meet deficiencies.

[1] Formerly 4%.

from time to time, to provide such amounts as may be necessary to meet the deficiencies caused by delay in payment or collection of arrears of assessments for paving or macadamizing, but the amount to be so issued shall not exceed the amount of said arrears. Such certificates of indebtedness or assessment bonds shall not be sold for less than their par value, and the trustees shall have, and they are hereby vested with power and authority to provide by taxation for the payment of the principal and interest of the certificates or bonds issued or that may be issued under this section, and the said certificates or bonds shall be as valid and binding obligations of the village as the bonds that have or may be issued for any other purpose, or for defraying the part, proportion or ratio of the expense that shall be determined by the said trustees, to be paid or borne by the village at large under this act, and shall be valid legal investments for savings banks.[2] Said certificates or bonds shall be signed by the president and treasurer and attested by the clerk under the corporate seal.

Sale.

Tax for payment.

Bonds valid obligations.

Legal investment for savings banks.

How executed.

§ 2. This act shall take effect immediately.

Chap. 232.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," in relation to the expenses of attendance upon conventions and conferences.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and eighty-six of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," is hereby amended so as to read as follows:

L. 1891, ch 105, § 486 amended.

§ 486. When the city shall borrow or raise money for any particular purpose, it shall be applied only to that purpose, and every member of the common council,[1] who shall vote to appropriate it

Misdemeanor to misappropriate moneys.

[2] See banking law (L. 1909, ch. 10), § 146.

[1] Formerly "alderman."

to a different purpose, and every officer, who shall knowingly assist in a misappropriation of such money, shall be guilty of a misdemeanor, and on conviction thereof shall be disqualified from holding any office in the city. [2]Upon the recommendation of the head of any department, the common council may authorize the expenditure of moneys out of an appropriate fund, for the purpose of paying the necessary traveling or other expenses of such head of a department, or any subordinate officer or employee designated by him, necessarily incurred in connection with attendance upon any convention or conference upon any subject, such that, in the judgment of the common council, the interests of the city will be advanced by the attendance of such officer or employee.[3]

Moneys of fund may be used for expenses of attendance of officer at convention.

Chap. 233.

AN ACT authorizing the board of trustees of public buildings to contract for furniture, equipment and decoration for the state education building.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of public buildings are hereby authorized to enter into contracts for an amount not to exceed in the aggregate the sum of seventy-five thousand dollars ($75,000) in addition to the sum of six hundred and twenty-five thousand dollars ($625,000) authorized by chapter five hundred thirteen of the laws of nineteen hundred and ten, for furniture, equipment and decoration for the state education building at Albany, to include bookstacks, bookcases, lighting fixtures, decorating, sculpture, and for such other expenses incidental thereto as may be necessary.

§ 2. This act shall take effect immediately.

[2] Remainder of section new.

[3] "Every law, unless a different time shall be prescribed therein, shall take effect on the twentieth day after it shall have become a law." — Legislative law (L. 1909, ch. 37), § 43.

Chap. 234.

AN ACT for the investment of the endowment and other permanent funds of Grace church, Lockport.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The moneys now held, owned by or under the control of the rector, church wardens and vestrymen of Grace church, Lockport, constituting what is known as the Grace church endowment fund, being the sum of seven thousand dollars, shall be kept invested in such securities as are authorized by law[1] for the purpose of investment by savings banks; and such moneys as may hereafter be given or bequeathed to the said rector, church wardens and vestrymen of Grace church shall, unless otherwise stated in the instrument of gift or bequest, be invested and kept invested in like securities; and the interest only upon said fund, gifts and bequests shall be used.

§ 2. This act shall take effect immediately.

Chap. 235.

AN ACT creating the office of keeper of the county home in the county of Onondaga, and prescribing his powers and duties.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby created in and for the county of Onondaga the office of keeper of the county home. He shall be appointed by the board of supervisors and his term of office shall be three years. He may appoint a deputy, a physician and such other subordinates as the board of supervisors may authorize. In case of the absence or disability of the keeper, or of

Office created. Appointment and term. Subordinates.

[1] See banking law (L. 1909, ch. 10), § 146.

a vacancy in the office, the deputy shall discharge the duties of the office, until the keeper returns, or his disability ceases, or the vacancy is filled. The salaries or compensation of the keeper, deputy, physician and other subordinates shall be determined and fixed by said board. Such salaries or compensation shall be a county charge and paid in the same manner as the salaries of other county officers. Said board may require official undertakings to be given by the keeper and his subordinates for the faithful performance of their duties, fix the amount and provide for the approval thereof. The first such keeper shall be appointed at the first regular meeting of the board of supervisors held after this act shall take effect.

Compensation.

Official undertakings.

Appointment of first keeper.

Powers and duties of keeper.

§ 2. The keeper of the county home shall:

1. Have the general superintendence and care of all persons committed to the county home and hospital.

2. Have the care and management, and be charged with the repair and maintenance of all the buildings, grounds and equipment constituting the county home and hospital of said county.

3. Establish rules and regulations for the government and good order of such county home and hospital, and for the employment, relief, management and government of the poor therein; but such rules and regulations shall not be valid until approved in writing by the superintendent of poor of said county. When so approved, a true copy thereof shall be filed in the office of the clerk of the board of supervisors.

4. Subject to the approval of the board of supervisors, prescribe the rate of allowance for bringing poor persons to the county home, and certify the amount due for transporting such poor persons, which shall be paid in the same manner as now provided for the payment of other claims against said county.

5. Provide, through the purchasing agent, all necessary furniture, implements, materials, food, medical and other supplies for the maintenance of the buildings, grounds and equipment of the county home and its inmates, and for their employment and labor, and use, sell and dispose of the proceeds of such labor as he shall deem expedient. He shall deposit all moneys received by him with the county treasurer to the credit of the fund from which claims for the maintenance of such home are paid, at least once a month, and file with the clerk of the board of supervisors monthly a verified, detailed statement of such receipts. He shall make such other and further statements as may be required by said board.

6. On or before the first day of November in each year, make reports in duplicate covering the year ending September thirtieth, containing such matters, in such form, as may be required by the state board of charities or the superintendent of poor, and file one with the superintendent of poor and the other with the clerk of the board of supervisors. He shall also file with said clerk an annual report, together with a detailed estimate of the sum deemed by him necessary to defray the expenses of such county home for the ensuing year.

7. Keep a record of all supplies and services furnished to said institution, and, on or before the first day of December in each year, file with the board of supervisors a full, true and correct inventory, verified by his oath, of all the goods, furniture, utensils, stock and property of every name and nature, belonging to the said county, or in its use on or connected with the county home buildings, grounds or equipment, at that time, with the value, as near as may be, of each article stated, and keep a duplicate thereof, as a public record, in his office.

§ 3. All acts or parts of acts, general or special, inconsistent with this act, are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 236.

AN ACT to incorporate the superintendents of the Eel Weir park of the town of Oswegatchie.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Anna F. McGivern, John C. Howard, Julius Frank, Charles D. Hoard and Robert E. Waterman, all of the town of Oswegatchie, Saint Lawrence county, New York, and their successors in office, are hereby declared a body corporate to be called "The Superintendents of the Eel Weir Park of the Town of Oswegatchie." Corporators. Corporate name.

§ 2. Within twenty days after the passage of this act the said superintendents, and their successors within twenty days after Official oaths.

their election, shall qualify for the discharge of the duties of their office by filing in the office of the town clerk of the town of Oswegatchie their oaths of office in substantially the form prescribed by section one of article thirteen of the state constitution,[1] and depositing with the supervisor of said town a bond in the sum of one thousand dollars, with proper sureties to be approved by said supervisor, conditioned for the faithful discharge of the duties of their office and for the payment of all funds which shall remain in their hands to their successors or to such persons as may be properly authorized to receive them. Said superintendents shall receive no compensation for their services, but their reasonable disbursements not to exceed one hundred dollars in any one year shall be a town charge and shall be audited and allowed by the town board of audit of said town of Oswegatchie, and levied and collected in the same manner as other town charges enumerated in section one hundred and seventy of the town law. At each annual meeting of the town board provided for by section one hundred and thirty-two of the town law said superintendents shall render an account to said board of all moneys received and disbursed by them by virtue of their office during the preceding year.

Bonds.

No compensation; disbursements.

Account of moneys handled.

Election of superintendents.

§ 3. The superintendents named herein shall hold office until the biennial town meeting in said town of Oswegatchie in the year nineteen hundred and fifteen and until their successors shall be chosen and qualified, and at said biennial town meeting, and at each alternate biennial town meeting thereafter, five superintendents, who shall be residents and freeholders of said town of Oswegatchie, shall be elected by ballot in the same manner as town officers, and they shall hold office for four years and until their successors shall be chosen and qualified.

Terms.

Acquisition of Eel Weir park property.

§ 4. It shall be the duty of said superintendents, and they shall have the power, with the moneys voted for that purpose by the electors at the last biennial town meeting of the town of Oswegatchie, to purchase the property known as the Eel Weir park property, situated near the confluence of the waters of Black lake and the Oswegatchie river in said town, to take a conveyance thereof to themselves and their successors in office, and to hold the said property in trust for said town.

Management and control of property.

§ 5. The said superintendents and their successors in office shall have the exclusive control and management of the property so purchased and the improvement and ornamentation thereof,

[1] See also public officers law (L. 1909, ch. 51), § 10.

and of all the work to be done thereon and of the application and expenditure of all moneys raised, donated or appropriated to any such *person, but they shall not incur any indebtedness or obligation on behalf of the town in excess of said one hundred dollars per annum, unless such additional sum is voted at a town meeting, and the moneys so voted shall be confined in their application to the purpose indicated by the electors.

Rules for use of park.

§ 6. The said superintendents shall likewise have power to make, prescribe and enforce such rules and regulations for the use and enjoyment of the park as to the said superintendents shall seem meet and proper for the public interests.

Filling vacancies in board.

§ 7. In case of a vacancy in said board of superintendents by the omission of any person appointed or elected to qualify, or by death or resignation, the town board shall fill such vacancy by appointment for the unexpired term and the person thus appointed shall qualify as prescribed in section two and shall hold office until a successor shall be chosen and qualified.

General powers of superintendents.

§ 8. The superintendents shall have power, subject to the limitations of section five or to the approval of the town board, in their corporate name to commence and maintain all such suits, actions and legal proceedings as are necessary and proper to protect and preserve the property committed to their charge, and to recover damages for injuries thereto, and to take such other legal steps as are necessary and proper to enable them to fulfill the duties and obligations imposed upon them by this act, to maintain order in the park, and to compel the observance of the rules and regulations promulgated by them for the government thereof.

Organization and meetings of superintendents.

§ 9. At their first meeting said superintendents shall organize by selecting one of their number as chairman who shall hold office during their pleasure, and who may call a meeting at any time and must do so when requested in writing by any two superintendents. A majority of said superintendents at any meeting regularly called shall have full power and authority to do any act which all said superintendents might do if all were present and consenting.

§ 10. This act shall take effect immediately.

* So in original.

Chap. 237.

AN ACT to amend chapter one hundred and three of the laws of nineteen hundred and six, entitled "An act to make the office of county clerk of Ulster county a salaried office and regulating the management of said office," in relation to the number and salaries of the clerks thereof.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1906, ch. 103, § 8 amended.

Section 1. Section eight of chapter one hundred and three of the laws of nineteen hundred and six, entitled "An act to make the office of county clerk of Ulster county a salaried office and regulating the management of said office," is hereby amended to read as follows:[1]

Deputy clerk and other assistants.

§ 8. The said county clerk shall appoint one deputy clerk and one index and docket clerk; he may also appoint four assistants and such number of additional deputy clerks and assistants as the board of supervisors of said county may from time to time authorize and direct, all of whom shall hold office at the pleasure of said county clerk. The salaries and compensation of the said county clerk, deputy clerk, index and docket clerk and assistants shall be paid monthly by the county treasurer upon the certificate of the county clerk showing the amount due to each and for what due; and all such salaries, except that of the county clerk, shall be fixed and determined from time to time by said board of supervisors, but until changed by said board such salaries shall be as follows: Deputy clerk, eighteen hundred dollars per annum; index and docket clerk, seven hundred and fifty dollars per annum; assistants, six hundred dollars per annum each. Nothing herein contained shall prohibit said county clerk from appointing such special deputy clerks, or such assistants in addition to those authorized by the board, as he may deem wise, but such special deputy clerks or additional assistants shall serve without expense to the county of Ulster.

Salaries and compensation.

Additional deputy clerks and assistants.

§ 2. This act shall take effect immediately.

[1] Section materially amended.

Chap. 238.

AN ACT to amend the forest, fish and game law, in relation to skunk farms.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-four of chapter twenty-four of the laws of nineteen hundred and nine, entitled, "An act relating to the protection of the forests, fish and game of the state, constituting chapter nineteen of the consolidated laws," as amended by chapter four hundred and seventy-four of the laws of nineteen hundred and nine and chapter six hundred and fifty-seven of the laws of nineteen hundred and ten, is hereby amended to read as follows: L. 1909, ch. 24, § 84, as amended by L. 1909, ch. 474, and L. 1910, ch. 657, amended.

§ 84. **Mink, skunk, muskrat and sable.** The open season for mink, skunk, marten or sable shall be from November first to March fifteenth, both inclusive. The open season for muskrat shall be from November first to April fifteenth, both inclusive. [1]They shall not be killed at any other time, nor, except as provided in section eighty-four-a in respect to skunks, possessed at any other time. Muskrat houses shall not be injured or destroyed at any time. Nothing in this section shall prohibit the taking or killing at any time of skunks which are injuring property or which have become a nuisance.

§ 2. Such chapter is hereby amended by adding thereto, after section eighty-four thereof, a new section, to be section eighty-four-a, to read as follows: § 84a added.

§ 84-a. **Propagation of skunks permitted; bond.** It shall be lawful to keep live skunks in captivity at all times for purposes of propagation and sale only, subject to the restrictions in this section provided. No skunks shall be thus kept which are taken wild during the close season for skunks; and skunks so kept shall not be disposed of in any way during the close season. Before any person is authorized, under the provisions of this section, to keep skunks he shall give to the commissioner a bond to the people of the state in the sum of five hundred dollars, to be approved by the

[1] Following sentence formerly read: "They shall not be possessed or killed at any other time."

commissioner as to form and sufficiency of sureties, conditioned that he will observe all of the prohibitions and restrictions of this section, in relation to the taking and disposal of skunks. If said bond is approved, and upon payment to him of a fee of ten dollars, the commissioner shall issue to the obligor a license permitting him to keep skunks under the provisions of this section for one year from a time therein stated, but no such license shall be issued to take effect during the close season. In order to authorize a continuance of such license thereafter, the licensee shall renew said bond annually, and the fee for renewal of license shall be five dollars. Any person violating the provisions of such bond shall be denied the privilege of giving another bond under this section. Nothing herein contained shall be construed to authorize any person purchasing skunks from such licensee to have them in possession during the close season, even though purchased during the open season.

§ 3. This act shall take effect immediately.

Chap. 239.

AN ACT to amend chapter nine of the laws of eighteen hundred and eighty-four, entitled "An act to incorporate the Reynolds' library in the city of Rochester," in relation to times for holding regular meetings of the trustees of said library.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1884, ch. 9, § 3 amended.

Section 1. Section three of chapter nine of the laws of eighteen hundred and eighty-four, entitled "An act to incorporate the Reynolds' library in the city of Rochester," is hereby amended so as to read as follows:

§ 3. Such powers and privileges shall be exercised by the members of said corporation, who shall be known as trustees, and shall hold regular meetings [1]on the second Fridays of January, April, June and October, or at such times as the by-laws may provide.

§ 2. This act shall take effect immediately.

[1] Remainder of sentence formerly read: "as often as once in each month."

Chap. 240.

AN ACT to amend chapter eighty-three of the laws of nineteen hundred and one, entitled "An act to provide for the improvement of the public highways in the county of Orange," in relation to the rate of interest on the bonds to be issued under such act.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter eighty-three of the laws of nineteen hundred and one, entitled "An act to provide for the improvement of the public highways in the county of Orange," as amended by chapter two hundred and forty-one of the laws of nineteen hundred and three and chapter two hundred and sixty-five of the laws of nineteen hundred and nine, is hereby amended to read as follows: L. 1901, ch. 83, § 3, as amended by L. 1903, ch. 241, and L. 1909, ch. 265, amended.

§ 3. The board of supervisors of the county of Orange may borrow money from time to time for the construction or improvement of highways and sections thereof in such county, and may issue the bonds or other evidences of indebtedness of such county therefor. The amount of the bonds or other evidences of indebtedness so issued shall not exceed in the aggregate the sum of one million dollars. They shall not be for a longer term than thirty years, and, unless the whole amount of the indebtedness represented thereby is to be paid within five years from their date, they may be so issued as to provide for the payment of the indebtedness in equal annual installments, the first of which shall be payable not more than ten years from their date. They shall not bear interest at a rate exceeding five[1] per centum per annum, and shall not be sold for less than par. They shall be sold at public auction upon notice published in two newspapers in such county at least ten days before the sale, to the highest bidder, but the board may reject all bids, and advertise anew. They shall be consecutively numbered from one to the highest number issued, and the clerk of the board of supervisors shall keep a record of the number of each bond or obligation, its date, amount, rate of interest, when and where payable and the purchaser thereof or the person to

Supervisors authorized to issue bonds for highway improvement.

Amount and term of bonds.

Rate of interest.

Sale.

Record of bonds.

[1] Formerly "four."

whom they are issued, and shall file such record in the office of the county clerk.

§ 2. This act shall take effect immediately.

Chap. 241.

AN ACT to authorize the board of supervisors, and the several town boards, of Lewis county to issue bonds for highway purposes.

Became a law June 2, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bond issue for construction of county highways.

Section 1. The board of supervisors of Lewis county, in accordance with the provision of the county law and general municipal law, as now existing or as hereinafter changed and modified, is hereby authorized to borrow, and issue county bonds therefor, such sum or sums of money as may be necessary to pay to the state, in the first instance, the county and town's share of the cost of construction of all county highways, now mapped as county roads, or which may be hereafter mapped as such in said county, at such time and as often as a survey, plans and estimate are completed by the state highway commission and the towns' and county's share determined. Each town through which such county highway shall pass shall pay, by raising a tax each year, said town's proportionate share of the cost of construction, and interest at the same rate such county bonds shall bear pro rata each year the length of time such county bonds shall run; or, the county or towns in which said highways are situated may each issue bonds for their separate share of the cost of construction of said county highways. The board of supervisors of said county may issue bonds for a term not longer than thirty years, bearing not more than five per centum interest, and provide for such annual coupons of interest and payments as they shall by resolution determine. The town board of each town in which a county road shall be constructed may in like manner bond their respective towns for the town's share of the cost of the construction of said highway, which bonds may bear the same rate of interest and mature at the same time as the county bonds for the county's share.

Payment of shares of towns.

Terms and interest of bonds.

Towns may issue bonds.

§ 2. This act shall take effect immediately.

Chap. 242.

AN ACT to amend, consolidate and revise the several acts relative to the city of Amsterdam.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

INCORPORATION; CITY AND WARD BOUNDARIES; DEFINITIONS.

Section 1. **Short title.** This act is a public act and shall be known and cited by the short title of "Amsterdam City Charter."

§ 2. **Corporate powers.** The citizens of the state of New York, from time to time inhabitants of the territory comprised within the boundaries of the city of Amsterdam, as hereinafter defined and set forth, shall be and continue to be a municipal corporation in perpetuity, under the corporate name of the "City of Amsterdam" and the same shall in that name be a body politic and corporate in fact and in law, with power of perpetual succession. The city shall have power:

1. To take, purchase, hold, lease, sell and convey such real and personal property as the purposes of the corporation may require.

2. To take by gift, grant, bequest and devise and hold real and personal estate absolutely or in trust for any public use including that of education, art, ornament, health, charity or amusement, for parks or gardens, or for the use or erection of statues, monuments, buildings or structures, upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said corporation and to provide for the proper administration of the same.

3. To make, have and use, and from time to time alter, a common seal.

4. To contract and be contracted with, to sue and be sued, to complain and defend and to institute, prosecute, maintain and defend any action or proceeding in any court.

5. To have and exercise all of the rights, privileges and jurisdiction essential to a proper exercise of its corporate functions,

including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon such corporation.

6. To have and exercise all the rights, privileges, functions and powers now prescribed and exercised by it under existing or subsequent laws and not inconsistent with the provisions of this act.

§ 3. **Boundaries of city.** All that part of the county of Montgomery bounded and described as follows, shall be included in and constitute the city of Amsterdam. Beginning at a point in the center of the Mohawk river on an island formerly owned by James H. Bronson, now owned by Mistress Catherine C. Robb, running thence north twenty-two degrees twenty-seven minutes east to an iron stake in the center of the tracks of the New York Central and Hudson River railroad, said iron stake being in line with the division line between the lands of William Ashley on the east and the lands formerly of A. V. Morris on the west, thence north twenty-two degrees twenty-seven minutes east to and along said division line seven hundred and sixty-two feet, thence north eighty-five degrees nineteen minutes east seven thousand two hundred and fifty-five feet to a black ash tree standing in the southerly margin of the highway east of the farm house of Charles E. Collins, thence south sixty-three degrees ten minutes east four thousand one hundred feet to a marble monument in the angle of the fence along the westerly boundary of the waterworks property, said monument being near the north end of the distribution reservoir, thence north twelve degrees eleven minutes east one thousand one hundred and thirty-seven feet along said westerly boundary to a marble monument at the northwest corner of the waterworks property containing the diverting dam; thence north seven degrees forty-nine minutes east one thousand six hundred and twelve feet to a point in line with the north line of the lands of Samuel Wallin; thence north eighty-four degrees twenty-one minutes east nine hundred and twenty feet to and along the said northerly line to the west line of Locust avenue; thence south sixty-five degrees forty-five minutes east one thousand six hundred feet; thence southeasterly to a point in the westerly line of Clizbe avenue where the said avenue turns to the south; thence southerly along the westerly line of Clizbe avenue to a point in line with the westerly margin of a highway leading from the farm house now or formerly of Daniel De Graff to the Mohawk river turnpike and in line with the southerly margin of a highway leading from Amsterdam to Manny's Cor-

ners, and being three and one-half feet northerly from a post standing at the northeast corner of Daniel De Graff's dooryard; thence along the westerly margin of the highway leading from Daniel De Graff's to the Mohawk river turnpike south seven degrees thirty-two minutes east two thousand six hundred and twenty-eight feet; thence south forty-one degrees west four thousand two hundred and fifty-two feet to an iron stake driven in the south margin of the Mohawk river turnpike where the same is intersected by the division line between the lands of the Ross estate and the plot known as the Van Bergen park; thence south forty-one degrees west one thousand and three feet to an iron stake in the center of the tracks of the New York Central and Hudson River railroad; thence south forty-one degrees west to the center of the Mohawk river; thence westerly along the center of the Mohawk river to a point in line with the division line between the lands formerly of A. V. Morris on the east and the lands formerly owned by Walter M. Major on the west; thence south forty-eight degrees west in line with said division line, to a point in the center of the tracks of the West Shore railroad; thence south forty-eight degrees west to and along the division line last mentioned four thousand and forty-eight feet to the southeast corner of the lands of George Van Derveer; thence north fifty-five degrees twenty-eight minutes west two thousand one hundred and thirteen feet to the east side of Minaville street, where it is intersected by the line between the lands of George Van Derveer and C. H. Young; thence north forty-six degrees thirty-three minutes west five thousand three hundred and twenty-three feet to the east side of the highway leading to Snook's Corners; thence north eight degrees thirty-five minutes east five thousand two hundred feet to a point in the center of the tracks of the West Shore railroad; thence north eight degrees thirty-five minutes east to the center of the Mohawk river; thence westerly along the center of the Mohawk river to the place of beginning. All territory heretofore incorporated in the fifth ward of the city of Amsterdam and omitted in the boundaries of said city as provided by this act, shall revert to and become a part of the town of Florida of Montgomery county.

§ 4. **Division into wards; ward boundaries.** Said city shall be divided into eight wards, bounded respectively as follows:

First ward. All that part of said city lying north of the Mohawk river, east of the sixth ward and west of the line running

northerly from the Mohawk river through the center of Wall street to Academy street; thence through the center of Academy street to Chestnut street; thence through the center of Chestnut street to Romeyn avenue; thence east through the center of Romeyn avenue to Market street; thence through the center of Market street to Van Dyke avenue, and the easterly line of the sixth ward, shall be known as ward number one.

Second ward. All that part of said city lying north of the Mohawk river, east of ward number one and west of a line running northerly through the center of Chuctanunda creek to Prospect street; thence westerly through the center of Prospect street to Market street; thence northerly through the center of Market street to the intersection of Market street and Romeyn avenue, shall be known as ward number two.

Third ward. All that part of said city lying north of the Mohawk river, easterly of ward number two, and southerly of ward number seven and westerly of a line commencing in the center of Chuctanunda creek at a point opposite the center of Reid street, and running thence southerly through the center of Reid street, the center of the roadway connecting Reid street and Pulling street, the center of Pulling street and Schuyler street, to the center of the Mohawk river, shall be known as ward number three.

Fourth ward. All that part of said city lying north of the Mohawk river, easterly of ward number three and ward number seven, and southerly of the south line of the Rockton Realty Company property and southerly of that portion of Clizbe avenue lying easterly of the Rockton Realty Company's property, shall be known as ward number four.

Fifth ward. All that part of said city lying southerly of the center of the Mohawk river, shall be known as ward number five.

Sixth ward. All that part of said city lying westerly of a line commencing in the center of the Mohawk river at a point opposite the center of Guy street, and running thence northerly through the center of Guy street to Spring street; thence easterly through the center of Spring street to McDonnell street; thence northerly through the center of McDonnell street to Union street; thence easterly through the center of Union street to Glen avenue; thence northerly through the center of Glen avenue to Van Dyke avenue; thence easterly through the center of Van Dyke avenue to Market street; thence northerly through the center of Market street to the city line, shall be known as ward number six.

Seventh ward. All that part of said city lying easterly of the

center of Market street, and northerly of the center of Prospect street, and northerly and westerly of the center of Chuctanunda creek, and southerly of the line extended, running through the center of Brookside avenue as it is continued to meet Locust avenue, and westerly of the line continued southerly to meet the above center line of the west side of the city property containing the diverting dam of the city of Amsterdam, shall be known as ward number seven.

Eighth ward. All that portion of the city of Amsterdam lying northerly of ward number four, and northerly and easterly of ward number seven, shall be known as ward number eight.

§ 5. **Official and fiscal year.** The official and fiscal year of the city shall, except as otherwise provided in this act, commence with the first day of January in each year.

§ 6. **Definitions.** The term streets, as used in this act, includes highways, avenues, lanes and alleys. The term resolution, as used in this act, includes all motions, orders, rules, regulations and by-laws, except ordinances.

TITLE II.

CITY OFFICERS — ELIGIBILITY, ELECTION, APPOINTMENT, QUALIFICATIONS, COMPENSATION, TERMS AND VACANCIES.

§ 7. **Eligibility of city officers; vacancy created by change of residence.** No person shall be elected or appointed to any city office, except to the office of city engineer, unless, at the time of his election or appointment, he be a citizen of the United States and a resident of said city; nor to any ward office, unless, at the time of his election or appointment, he be a citizen of the United States and a resident of the ward for which he is elected or appointed; and whenever any officer of said city shall cease to be a resident of said city or of the ward for which he was elected or appointed, his office shall thereupon become vacant. No person shall, at the same time, hold more than one office under the city government, except as otherwise provided in this act and also except that a commissioner of deeds may hold any other city office. The assessors of said city shall be freeholders and their names must have appeared as such on the last city tax roll next preceding their election. No two assessors shall reside in the same ward. The corporation counsel of said city shall be an attorney and counselor-at-law, duly admitted to practice in the supreme court of the state of New York. The city engineer, at the time of his appoint-

ment, need not be a resident of said city but must be a civil engineer of at least five years' practical experience in his profession. The recorder of said city after the expiration of the term of office of the present incumbent, shall be an attorney and counselor-at-law duly admitted to practice in the supreme court of the state of New York. The city judge of said city shall be an attorney and counselor-at-law duly admitted to practice in the supreme court of the state of New York and of at least five years' practical experience in his profession.

§ 8. **Elective city officers enumerated; their terms of office and compensation.** The elective officers of the city to be elected by the city at large, shall be: a mayor, whose term of office shall be two years, and whose annual salary shall be two thousand dollars; a recorder, whose term of office shall be three years, and whose annual salary shall be twelve hundred dollars; a treasurer, whose term of office shall be two years, and whose annual salary shall be fifteen hundred dollars; three assessors, the term of office of each of whom shall be three years, and each of whom shall receive an annual salary of four hundred dollars, except the chairman of such body, who shall receive an annual salary of six hundred dollars; a city judge, whose term of office shall be four years and whose annual salary shall be fifteen hundred dollars; three constables, the term of office of each of whom shall be one year, and who shall receive the same compensation for their services as constables of a town are entitled to receive for like services. The elective officers of the city to be elected by each ward shall be: one alderman, the term of office of whom shall be two years, and whose annual salary shall be three hundred dollars; one supervisor, whose term of office shall be two years, and who shall receive the same compensation for his services that a supervisor of a town of Montgomery county is entitled to receive for like services. There shall be also elected ten members of the board of education, whose term of office shall be three years and who shall be elected in the manner hereinafter provided.

§ 9.[1a] **General city elections.** An election for officers of the city shall be held annually on the Tuesday next succeeding the first Monday in November, at the time and places fixed for the holding of the general election on that day. Such election shall be conducted in the same manner that general elections in cities are by law required to be conducted, and all the provisions of the election law shall be applicable to the election for officers in such city, including the canvass and return thereof. The board of

[1a] Section 9 is amended by L. 1911, ch. 717, post.

county canvassers of the county of Montgomery shall, forthwith upon completion of the canvass, cause its determination of the election of any officer of the city of Amsterdam to be filed in the city clerk's office of such city; and upon the filing of such determination the city clerk shall, without delay, notify in writing every person so certified to have been elected, of his election. At the annual election held in the month of November, nineteen hundred and eleven, no successors shall be elected to the eight aldermen of said city whose terms of office shall expire on the thirty-first day of December, nineteen hundred and eleven. At the annual election held in said city in the month of November, nineteen hundred and eleven, there shall be elected a city judge and three constables in the same manner as other city officers are elected, and the persons so elected shall take office on January first, nineteen hundred and twelve.

§ 10. **Removal of elective city officers.** The governor of the state may remove the mayor from office at any time upon presentation of charges against him and after opportunity for him to defend. All pertinent provisions of law[1] in respect to the removal from office of sheriffs shall apply to the removal of the mayor. The recorder and city judge may be removed by the same court and in the same manner as is now or hereafter may be provided for the removal of justices of towns.[2] Every other elective officer of said city may be removed in the same manner and for the same cause as is provided by the statute[3] known as the "Public Officers Law" for the removal of town officers.

§ 11. **Appointive city officers enumerated; by whom appointed.** The appointive officers of said city shall be: a city clerk, who shall be appointed by the common council; a sealer of weights and measures, who shall be appointed by the mayor with the approval of the common council; a commissioner of public works, a commissioner of public safety, a commissioner of charities and a corporation counsel, all of whom shall be appointed by the mayor; a city engineer, who shall be appointed by the commissioner of public works; a chief engineer, assistant engineer of the fire department, a chief of police and assistant chief of police, all of whom shall be appointed by the commissioner of public safety. There shall also be such other appointive officers as may be authorized by general laws, all of whom shall be appointed

[1] See constitution, art. 10, § 1; county law (L. 1909, ch. 16), § 186.
[2] See code of criminal procedure, § 132.
[3] L. 1909, ch. 51. See § 36.

in pursuance of such general laws. In each official year of the city, a successor shall be appointed to each appointive city officer having a fixed term of office expiring during such official year.

§ 12. **Notice to persons appointed to office.** Upon the appointment of any officer, the mayor, common council, board or other officer making the appointment, shall forthwith file a certificate of such appointment with the city clerk; immediately after the filing of said certificates, the city clerk shall give notice in writing to each person so appointed of his appointment to office.

§ 13. **Terms of office of appointive officers.** The term of office of the city clerk shall be two years, except that the term of the city clerk shall not extend beyond that of the common council appointing him; of the corporation counsel, the commissioner of public works, the commissioner of public safety and the commissioner of charities, two years; of the sealer of weights and measures, one year, none of whose terms shall extend beyond that of the mayor appointing him; of the city engineer, at the pleasure of the commissioner of public works, but the term of office of any city engineer shall not extend beyond that of the commissioner appointing him; the commissioner of public safety shall appoint a chief engineer of the fire department and a chief of police, an assistant engineer of the fire department, and an assistant chief of police.

§ 14. **Suspension and removal of appointive city officers.** The mayor may orally or in writing suspend, for ten days or less, at any one time, any officer of said city appointed by him or by the common council, but he shall not suspend the same person more than twice in any one year; in case of the suspension of the city clerk or the sealer of weights and measures, the mayor shall forthwith report to the common council the reason for such suspension, and may file charges against such officer; it shall be the duty of the common council forthwith to hear such charges, giving the officer suspended reasonable notice thereof and a reasonable opportunity to be heard, and the common council shall remove such officer, if, in its judgment, there be sufficient grounds therefor. The mayor may summarily remove any officer appointed by him. The common council may remove any officer appointed by it for any cause by it deemed sufficient, upon charges, giving such officer reasonable notice thereof and a reasonable opportunity to be heard and such officer may be suspended by said board for not more than thirty days, pending the determination of such charges.

§ 15. **Compensation of appointive city officers.** The following ap-

pointive city officers of said city, namely: The city clerk, the corporation counsel, the city engineer, the chief of police, the assistant chief of police, the chief engineer of the fire department, the assistant chief engineer of the fire department, the sealer of weights and measures, the commissioner of public works, the commissioner of public safety and the commissioner of charities shall be entitled to receive from the city such compensation for their services as may be fixed by the common council of said city.

§ 16. **Commencement and expiration of terms of office; holding over.** The term of office of each officer elected at the annual city election shall commence with the first day of January next succeeding. The term of each appointive city officer shall commence with the first day of January of the official year in which the appointment is required to be made. Every city officer shall continue to hold office until his successor shall be chosen and shall have qualified, and no longer. In case any appointment to office is delayed beyond the time herein fixed therefor, the term of such appointee shall nevertheless expire at the time it would have expired if such appointment had not been delayed.

§ 17. **Filling vacancies.** If a vacancy shall occur, otherwise than by the expiration of term, in any elective office of the city, the common council shall, except as otherwise provided by law, appoint a person to fill such vacancy until the first day of January next succeeding the next city election, at which the residue of the term of such office, if any, may be lawfully filled by election. If the term of office of the officer vacating his office continues beyond the official year in which such vacancy occurs, a person shall be elected at the next annual city election after the occurrence of such vacancy to fill such vacancy for the remainder of the unexpired term. A vacancy occurring in any appointive office of the city, otherwise than by expiration of term, shall be filled, for the balance of the unexpired term, by the same authorities and in the same manner as an appointment for a full term.

§ 18. **Official salaries, when payable; fees and perquisites.** The salaries of all officers shall be paid in instalments at least once in each month. The compensation fixed for the several officers shall be in full for all services which they shall respectively perform for said city in connection with their offices. No officer of the city, except commissioners of deeds and the constables of said city, shall have or receive to his use any perquisites, compensation or fees for services pertaining directly or indirectly, or which may hereafter be added to the duties of his

office, in addition to his salary; and all perquisites, compensation and fees paid to and received by any officer for services pertaining directly or indirectly, or which may hereafter be added to the duties of his office, other than his salary received from the city, shall be the property of the city and shall be paid by the officer receiving the same into the city treasury, to the credit of the general fund. The compensation of all the officers, clerks and subordinates in the several departments shall not exceed in the aggregate the appropriation made by the common council in the annual budget for that purpose.

TITLE III.

CITY OFFICERS; THEIR GENERAL POWERS, DUTIES AND LIABILITIES.

§ 19. **Oath of city officers.** Every person elected or appointed to any office under this act, shall, before assuming the same, take the oath of office prescribed by the constitution[4] of this state and file the same in the office of the city clerk, and every person who shall omit to take and file his oath of office within the time prescribed by law[5] shall be deemed to have declined the office and said office shall thereupon become vacant. Each commissioner of deeds and each city officer, who by the provisions of this act, is given the same powers as a commissioner of deeds, shall forthwith upon his election or appointment file a certificate of such election or appointment with, and also take and subscribe the constitutional oath of office before the clerk of the county of Montgomery.

§ 20. **Official bonds of city officers.** Except as otherwise provided by this act, all officers required by this act, by general law, or by the common council, to give a bond, shall severally, before they enter upon the duties of their offices, make, execute and deliver a bond to the city of Amsterdam in such penal sum as this act, or the common council directs, and with such sureties as the mayor and common council approve, conditioned that they shall faithfully discharge the duties of their respective offices and promptly account for and pay over all moneys or property received by them respectively as such officers. All official bonds except as otherwise herein provided shall be filed with the city clerk. Any officer failing to comply with the foregoing provisions shall be subject to the penalties and liabilities prescribed by law.[5]

[4] See constitution, art. 13, § 1; public officers law (L. 1909, ch. 51), § 10.
[5] See public officers law, § 30, subd. 7.

§ 21. **Liability of city officers; acts prohibited; official misconduct.** No officer of the city shall in any manner be interested, directly or indirectly, in any contract to which the city or any board thereof shall be a party; and any such contract in which any such officer may be or become interested shall thereupon be and become void. If any officer of the city shall vote for any appropriation or for the payment or expenditure of any moneys not authorized by or in pursuance of law, such officer shall be guilty of a misdemeanor. If the common council or any city board shall pass any resolution authorizing or purporting to authorize any expenditure of money by the city for any purpose exceeding the amount authorized by or in pursuance of law to be expended for such purposes, each officer voting for such resolution shall be personally liable for the amount thereof. Each city officer shall, upon the expiration of his term, deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to the city or appertaining to such office. If he shall fail to do so within five days after notification and request by his successor, he shall be liable to a penalty of one hundred dollars to be recovered by the city in a civil action together with all damages caused by his neglect or refusal so to do, and he may also be proceeded against as otherwise provided for by law.

§ 22. **When expenditures to be by contract to lowest bidder.** Whenever any expenditure to be made or incurred by the common council, or any commissioner or officer in behalf of the city, for work to be done, or materials or supplies to be furnished, except ordinary repairing of streets and except the ordinary repairing of the sewer and water systems, shall exceed the sum of two hundred fifty dollars, the common council shall advertise for and receive proposals therefor in such manner as it shall prescribe. Each such proposal shall be accompanied by such bond, cash deposit or certified check as the common council shall require, conditioned that the bidder will accept and execute a written contract therefor, if the same is awarded him; and the contract therefor shall be let to the lowest bidder who shall give a bond or other security in such amount and with such surety or sureties as the common council may prescribe and approve, conditioned for the faithful performance of such contract. The common council shall have power to reject all bids or proposals and readvertise the same for letting. The notice of the letting of such contract shall describe generally the work and materials for which the contract

will be let and the day and hour and place of the meeting of said common council at which proposals therefor will be opened. Specifications for the performance of any work and for the supply of any materials shall be prepared and set forth with sufficient detail to inform all persons proposing to bid therefor of the nature of the work to be done and of the materials to be supplied, and shall be open to inspection to all persons interested therein. If the common council, at a meeting at which there shall be present three-fourths of all the members of said common council in office, shall by a resolution unanimously adopted and approved by the mayor determine it to be impracticable to procure such work or materials or both by contract, then the said common council shall designate and authorize the officer in the proper department to procure such work or purchase such materials but such expenditure without a public letting shall in no event exceed the sum of one thousand dollars. In case of public emergency involving accident or other injury by which the heating or plumbing of any of the public buildings or any of the fire or water works apparatus shall become disabled, the commissioner having jurisdiction thereof may cause repairs thereto to be made without a letting by contract, upon filing with the city clerk a certificate, approved by the mayor, showing such emergency and the necessity for such repairs. The provisions of this act or of law requiring advertisements for bids or proposals or the awarding of contracts for supplies to be furnished for any of said departments shall not be applicable to the supplies which may be furnished under the provisions of the prison law.[6]

§ 23. **City officers authorized to administer oaths and take acknowledgments.** The mayor, recorder, corporation counsel, commissioner of public works, commissioner of public safety, commissioner of charities, city engineer and city clerk shall each have within the city of Amsterdam the power of commissioners of deeds of the city of Amsterdam.

§ 24. **The mayor; executive power; duties of mayor.** All the executive power of the city shall be vested in the mayor, except such as is specifically granted herein or by law to the other executive officers and departments. He shall also have and exercise all the powers conferred upon mayors of cities by any general law, applicable to cities of the third class. It shall be the duty of the mayor when present to preside at all meetings of the common

[6] L. 1909, ch. 47. See art. 7.

council; to see to the faithful performance of their duties by the city officers and departments; to maintain peace and good order within the city, and in case of riot, conflagration, or other public emergency requiring it, to call out the police and firemen and take command of the entire police force, including the chief executive officer thereof; to take care that the laws of the state, and the ordinances of the common council be executed and enforced within the city, and to arrest or cause to be arrested all persons violating the same; to transmit to the common council at its first meeting in January of each year a written statement of the general affairs of the city in relation to its finances, government and improvement, and from time to time to recommend to the common council such measures as he shall deem necessary or expedient for them to adopt; to receive and examine into all complaints made against any city officer for neglect of duty or malfeasance in office; to prefer charges against any officer to the proper authority having jurisdiction thereof, if in his judgment sufficient reasons exist therefor; to call special meetings of the common council whenever he shall deem the same necessary or whenever requested to do so in writing by a majority of the members thereof, notice of such meeting shall be in writing and served personally upon each member or left at his usual place of abode; to sign all appointments to office, to name all standing committees of the common council; to compel, in the course of any examination or investigation which he is authorized to make, the attendance of witnesses and the production of books and papers by a subpœna issued under his hand, and his subpœna shall have the force and effect of a subpœna issued out of the supreme court; to administer oaths to witnesses; to punish any witness for refusal to appear, testify or answer any pertinent question, and for that purpose the mayor shall possess all the power and jurisdiction conferred on the common council, mayor and recorder by section forty-six of this act.

§ 25. **Acting mayor.** In case of the absence, disability, sickness or inability of the mayor to act, or during a vacancy in the office of mayor, the vice-president of the common council shall act as mayor until the mayor returns, his disability or inability to act ceases or the vacancy is filled. But it shall not be lawful for the vice-president of the common council, when acting as mayor, to exercise any power of appointment or removal from office unless such sickness or absence shall have continued for a period of thirty days; or to sign, approve or disapprove any ordinance or resolu-

tion unless such sickness or absence shall have continued for a period of at least nine days.

§ 26. **Signing of deeds, contracts and warrants.** The mayor shall, except as herein otherwise provided, sign all deeds, leases, contracts and other papers made and entered into by the city, and cause to be affixed thereto the city seal. He shall also sign all warrants drawn on the city treasurer except those issued by the board of education.

§ 27. **Examination and investigation of city officers and accounts.** The mayor shall have authority at all times to examine the books and papers of any officer, employee or department of the city, and as often as he may deem proper, to appoint one or more competent persons to examine without notice the accounts of any city officer or department, and the money, securities and property belonging to the city in the possession or charge of any officer or department, and to report to the common council the result of such examination. It shall be his duty and he shall have the power to make all necessary investigations into the conduct of all officers of the city and of all boards thereof.

§ 28. **City clerk; general powers and duties.** The city clerk of said city shall be ex-officio clerk of the common council, of the department of public works, of the department of public safety and of the department of charities. He shall devote his time wholly to the duties of his office and shall perform such duties incident to his office as may be required by the common council or by the mayor. He shall keep the minutes of the meetings of the common council and shall record in books to be kept for that purpose all proceedings of the common council and index the same. He shall have the charge, custody and control of the corporate seal and all books, papers, documents and official minutes of the city except as otherwise provided by law. He shall, upon request and payment of the fees therefor, make certified copies of any record or document in his possession or under his control and affix the corporate seal of the city thereto, and any such certified copy shall be evidence in all courts and places the same as the original. He shall demand and receive fees for the benefit of the city for such certified copies at the rate of ten cents per folio from every person, other than a city officer, upon whose request any such certified copy is made and delivered. He shall keep an accurate account of all moneys received by him, belonging to the city, and shall within thirty days after the receipt thereof pay the same over to the city treasurer, for which he shall

take a receipt, and file the same in his office. Such receipts shall at all times be subject to examination by the common council or any member thereof. The office of the city clerk shall be deemed a town clerk's office and the city be deemed a town for the purpose of depositing and filing therein all books and papers required or authorized by law to be filed in a town clerk's office, and the city clerk shall possess the power and discharge all the duties of a town clerk in relation thereto. The books and papers in the office of the city clerk shall at all times on demand be produced for inspection to any inhabitant of said city. He shall also keep an accurate account of all warrants drawn on any fund of said city, which account shall be kept in such manner as the common council may direct. All moneys, except as otherwise provided by this act, shall be drawn from the treasury in pursuance of an order of the common council by warrant upon the city treasurer, signed by the mayor and city clerk. Such warrant shall specify for what purpose the amount therein named is paid and to what fund chargeable, and the clerk shall keep an accurate account of all warrants drawn on the treasurer in a book to be provided for that purpose, specifying the number of each warrant and the purpose for which it is issued. Whenever, in his judgment it is necessary, the mayor may authorize the employment of a stenographer or other assistant to aid the city clerk in the performance of his duties, and to perform such other services as the mayor may prescribe, and fix the compensation of the person so employed.

§ 29. **Corporation counsel; general powers and duties.** The corporation counsel shall be the official legal adviser of the mayor, the common council and of all the departments and boards of said city and of each city officer thereof; it shall be his duty to prosecute all civil actions and proceedings by, and to defend all civil actions and proceedings against, said city and every board, department or officer thereof in their official capacity, and to perform all other legal services on behalf of said city or relating to its affairs. He shall, whenever the mayor, the common council or the law committee thereof directs appear and represent the city in all proceedings and prosecutions for the violation of any ordinance of the city. He shall, prior to the delivery thereof, indorse upon each written contract providing for the payment of two hundred fifty dollars or more, entered into by the city, a certificate to the effect that the said officer, board or department executing the same on behalf of the city has authority and power to

make such contract and that such contract is in proper form and properly executed. Except as otherwise provided by this act, no action or proceeding shall be commenced by the corporation counsel unless directed by the mayor or common council. The mayor, when he deems it proper and advisable so to do, may employ counsel at the cost and expense of the city to assist the corporation counsel in any matter, action or proceeding, but no other officer or department of the said city shall have power so to do. When the mayor shall employ such counsel he shall immediately sign and file with the city clerk a certificate of such employment, and the city shall not be liable for the compensation, fee, cost or expense of such employment unless such certificate shall have been signed and filed as aforesaid. The corporation counsel shall have power to appoint at his pleasure a stenographer, and the compensation of such stenographer when so appointed shall be fixed by the common council and shall be a charge against said city.

§ 30. **City treasurer; general powers and duties.** The city treasurer shall be the fiscal officer of the city; he shall be the collector of all taxes, assessments and water rents; he shall perform the duties, possess the powers and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this act; and he shall receive, keep and disburse all moneys belonging to the city and to every board thereof. It shall be his duty to collect all moneys due the city, including taxes, assessments and water rents with due diligence. All moneys required by any law of this state to be paid by agents of insurance companies, not incorporated under the laws of this state, or arising from any other source for the use and benefit of the fire department of cities, to which the city of Amsterdam or the fire department thereof may be entitled, shall hereafter be paid to the treasurer of the said city and be credited by him to the fire fund of said city and the same shall be expended for the use and benefit of the fire department of said city, except as otherwise provided by law; said treasurer shall promptly collect the same, and for the purpose of collecting and receiving said moneys the treasurer is hereby made the treasurer of the fire department of the city of Amsterdam and his receipt shall be a good and sufficient voucher for the payment of said money. He shall pay no moneys from the treasury of the city except upon warrants signed as by this act provided, specifying from what fund and for what purpose the amount named therein is payable and shall file all such warrants and keep an accurate account of all receipts and pay-

ments in such manner as the common council shall direct. The city treasurer shall present to the common council at its first meeting in each month a statement of the aggregate receipts and disbursements on account of each fund of the city during the preceding month and the balance on hand belonging to each fund of the city, and such statement shall be filed with the city clerk; he shall also at the end of each month present to each of the boards and departments of the city a statement of the aggregate receipts and disbursements during the preceding month on account of the funds set apart for them. He shall present to the common council at its last meeting in each year a full account of all receipts and payments after the date of the last annual report of the treasurer and also the state of the city treasury. The treasurer shall not allow any fund to be overdrawn but when any fund is exhausted shall notify the city clerk who in turn shall notify the department whose funds may be exhausted; the various funds created by virtue of the provisions of this act shall be kept inviolate and devoted to the purpose for which it is created and no moneys shall be drawn from one fund to supply deficiency in any other fund, except as otherwise provided by this act. Before entering upon the discharge of the duties of his office, the city treasurer shall execute and file with the city clerk a bond in such penal sum as may be fixed by the common council, not less however than the sum of two hundred thousand dollars in amount, nor more than the aggregate amount of money received by the treasurer of the city during the last preceding fiscal year. Such bond shall be executed by some solvent surety company and be approved by the common council, and corporation counsel, and shall be conditioned for the faithful performance of all his duties as such treasurer and that he will promptly account for and pay over all moneys and property received by him. A certificate by the city clerk of such approval shall be indorsed thereon, and the bond so indorsed shall be filed and recorded in the clerk's office of the county of Montgomery in the same manner as the official bonds of town collectors. All the necessary expense of procuring, filing and recording such bond shall be borne by the city, and all interest earned by funds of the city or compensation paid for deposits thereof shall belong to the city.

§ 31. **City engineer; general powers and duties.** The city engineer shall keep in his office books and records properly indexed in which there shall be entered the survey and map of every street, park, avenue, lane, sidewalk, water main and service

pipe, sewer and sewer inlet and conduit, with location and grade thereof, as far as practicable, both those heretofore established and which may hereafter be established. He shall perform all the civil engineering required for the city and its various boards and departments, and shall make all preliminary surveys and prepare all plans, profiles and specifications, and shall perform all engineering work, which may be directed by the mayor, common council and commissioner of public works. He shall devote his time exclusively to the service of the city. All maps, profiles, surveys and other data which he may make or which shall be kept by him shall be and remain the property of the city.

§ 32. **Assessors; general powers and duties.** The assessors shall perform all the duties specified in this act in relation to the assessment and taxation of property within the city, and shall possess all the powers conferred, be subject to all the obligations imposed and perform all the duties appertaining to the office of assessors in the towns of the state in reference to the assessment of property within the city, except as otherwise provided by law. They shall, except as otherwise provided in this act, perform all the duties now provided by law, in reference to the assessment of property for the purpose of levying taxes and assessments for local improvements, imposed according to law.

§ 33. **Sealer of weights and measures; general powers and duties.** The sealer of weights and measures shall possess the same powers and be subject to the same obligations as may be prescribed by general statute for the sealer of weights and measures in cities.

§ 34. **Aldermen; general powers and duties.** It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed; to arrest or cause to be arrested persons violating the laws of this state or the ordinances, by-laws or police regulations of the city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, and to aid in maintaining peace and good order in the city, and to perform or assist in performing all such duties as are enjoined upon the common council thereof.

§ 35. **Supervisors; general powers and duties.** The city shall be entitled to and have eight supervisors. Each of the wards of said city shall elect one supervisor biennially to hold office for two years. The said supervisors shall have the same powers and duties as the supervisors in the towns in the county of Mont-

gomery, except as otherwise provided by this act; and shall be members of the board of supervisors of the county of Montgomery. The supervisors shall receive the same compensation allowed by law in the same manner as the supervisors of towns.

§ 36. **Recorder; general power and duties.** No person shall be eligible to the office of recorder unless he be an attorney and counselor-at-law, entitled to practice in the supreme court of the state of New York. The recorder shall, except in case of his absence from the city, or inability from sickness or from any other cause, have jurisdiction in said city, exclusive of any justice of the peace or other officer except judges of courts of record, of all crimes committed in said city, and to issue all criminal process and all processes, other than in civil actions and proceedings, except process in bastardy cases which a single justice, or two justices of the peace in towns, are empowered or directed by law to issue; to hear and entertain all complaints and conduct all examinations in criminal cases; to hold courts of special sessions with all the powers and jurisdiction of such courts as regulated by statute; to try, convict and sentence all persons who may be guilty of any offenses which are or may be triable by courts of special sessions, and to commit for trial persons who shall be guilty of offenses not triable in said courts. The court of special sessions held by said recorder shall have jurisdiction of, and power to hear and determine charges for every misdemeanor committed, or charged to have been committed, within said city, for which the accused shall elect to be tried before said court. Whenever a defendant, tried before a court of special sessions held by said recorder, for any offense, jurisdiction of which is not conferred upon courts of special sessions by law, shall be convicted, said court shall render judgment thereupon, and inflict such punishment by fine or imprisonment, or both, as any other court having jurisdiction of the offense could inflict, as provided by statute, and shall have the same jurisdiction to sentence and punish the person so convicted, as the county court of Montgomery county would have for the same offense. The recorder may sentence any person convicted of a criminal offense before him directly to imprisonment in the Albany penitentiary in cases where the sentence is for sixty days or longer. The said recorder shall not be required to take the examination of any person charged with a misdemeanor who shall elect to be tried, nor to try any person after an examination which he has claimed; but such persons, if held for trial, shall be bailed or committed. Said

recorder shall have power to let to bail persons charged with crime before him in all cases of misdemeanor, and in all cases of felony, when the imprisonment in the state prison cannot exceed five years. The recorder may hear, try and determine in a summary way, any complaint for any violation of the laws of this state or of the ordinances of the city, in any case where the right to a trial by jury is not guaranteed by the constitution or provided for by law; but in all cases where such right is guaranteed or provided for, he shall sit as a court of special sessions, and whenever said recorder, sitting as a court of special sessions or otherwise, shall try, convict and sentence to the jail of Montgomery county or other place provided by law, he shall file with the clerk of Montgomery county a record of such conviction as prescribed by law. It shall be the duty of the recorder to attend at his office at all reasonable hours of the day. He shall not receive for his own benefit any fee for services under this act; but he shall demand and receive in all proceedings before him and for all services rendered by him as such recorder, the fees provided by law, and all fees and charges which may be legally payable whenever any suit or proceeding before him shall be settled or dismissed by consent, including fees of constables or policemen. He shall keep an account of all costs, fees and fines imposed, collected or received by him, belonging to the city, and shall pay the same to the treasurer once in every month. He shall also keep an account of all criminal business done by him, which may be a county charge, and shall at the time for the presentation of claims against the county of Montgomery, make out and verify the account thereof, payable to the city, and present the same to the board of supervisors of said county for audit. The docket of said recorder shall contain a record or brief statement of all proceedings, convictions and judgments before him and shall be open to public inspection during office hours. The recorder shall be entitled to a vacation for a period not exceeding one month in any calendar year. The present recorder of the city of Amsterdam shall continue to act as such until the expiration of the term of his office and the election and qualification of his successor. After the expiration of the term of office of the present incumbent, the recorder of said city shall, during sickness, absence from the city, disability of the city judge to act, or during a vacancy in the office of city judge, exercise in his place and stead all the powers of said judge, including jurisdiction in cases then pending before the said city judge. The said recorder

shall receive no additional compensation for his services while acting as said city judge. Whenever the recorder shall act as city judge, he shall add to his official title "acting as city judge."

§ 37. **Office of justice of the peace abolished.** Upon the taking effect of this act, the office of justice of the peace of the city of Amsterdam, New York, is hereby abolished and the powers, duties and obligations of the justices now in office in said city shall thereupon cease and determine.

§ 38. **Constables; general powers and duties.** The constables of said city shall have the same powers, duties and jurisdiction, receive the same compensation and be subject to the same liabilities as if the city of Amsterdam were a town and they were constables thereof, except that no constable of the city shall be compelled to execute any criminal process or do any other criminal business; nor shall any constable of the city be entitled to receive any compensation for his services in any criminal action or any special proceeding of a criminal nature for or on account of any offense committed, or charged to have been committed, within said city. Every constable before he enters upon the duties of his office shall execute an undertaking with at least two sureties to be approved by the corporation counsel, of the same tenor and effect as is required of constables in towns of this state.

TITLE IV.

THE COMMON COUNCIL.

§ 39. **Organization and procedure.** The common council shall be composed of the mayor and aldermen of the city, and the first meeting thereof in each official year, shall be held at the common council room or at such place as the mayor shall designate, at ten o'clock in the forenoon, on the first day of January, or if that be Sunday, then on the following day. The mayor shall be the presiding officer of the common council, but shall have no vote therein, except in cases of a tie, when he shall have the casting vote. At the first meeting of the common council in each official year, the common council shall choose one of the aldermen by ballot to be vice-president of the common council. The vice-president of the common council shall not lose his vote as alderman by reason of his acting as presiding officer of the common council at any time, but when he votes as an alderman he shall have no casting vote on a tie. The common council shall hold stated meetings at least twice in each month, and its sittings

shall be public except when the public welfare requires secrecy. The presence of a majority of the common council shall constitute a quorum. A less number than a quorum may adjourn. The attendance of absent members may be compelled by the common council, or by a meeting thereof at which less than a quorum is present. A majority of the members of the common council present at any meeting thereof at which a quorum shall be present, shall be sufficient to pass any resolution or ordinance, except that no resolution or ordinance authorizing or involving the collection of money by tax or assessment, appointment to office, sale of any real estate belonging to the city, or the granting of any franchise shall pass unless it shall receive the assent of a majority of the aldermen in office and except as otherwise provided in this act. The ayes and noes shall be called and recorded on all resolutions authorizing or involving the expenditures of money, collection of money by tax or assessment, appointment to office, sale of any real estate belonging to the city or the granting of any franchise. When neither the mayor nor the vice-president of the common council shall be in attendance at the regular meeting or any duly appointed meeting of said common council, at which there shall be a quorum present, said common council may appoint one of its members to preside, and the person appointed, shall, at such meeting, have all the powers of presiding officers to maintain order and to compel the attendance of absent members of the council.

§ 40. **Mayor's approval and veto.** Every resolution and ordinance of the common council, except such as relate to the rules for its own government and the appointment and trial of officers, before it takes effect shall be forthwith presented to the mayor, duly certified by the city clerk. If the mayor approves, he shall sign it, and upon such approval the same shall take effect; if he disapproves, he shall return it with his objections in writing and file the same with the city clerk within ten days (Sunday excepted) after he receives it; the city clerk shall present the same with such objections to the common council at its next regular meeting after the filing of such veto as aforesaid, or at a special meeting called for that purpose to be held prior to the next regular meeting, except as provided in section twenty-five herein. The common council at such meeting may pass such ordinance or resolution over the mayor's veto by a concurring vote of two-thirds of all the aldermen in office, taken by ayes and noes and entered on the minutes in which case it shall take effect, and if not so passed at such meeting, it shall not take effect. If such resolution or

ordinance shall not be returned by the mayor within ten days (Sunday excepted) after he shall have received it, it shall take effect in like manner as if he had signed it, unless the term of office of the mayor shall expire within ten days after such resolution or ordinance shall be presented to him, in which case such ordinance or resolution shall have no force. The mayor may likewise veto any separate items of any ordinance or resolution providing for the expenditure of money or any separate portion of any ordinance or resolution relating to a separate subject. No resolution or ordinance shall be deemed to be enacted until the provisions of this section have been complied with.

§ 41. **Time of taking effect of resolutions and ordinances.** All resolutions passed by the common council shall take effect immediately upon their enactment unless a different time is specified therein. All ordinances shall be published at least once in each of the official newspapers and oftener if the common council so direct. All ordinances shall take effect immediately on the completion of their publication unless a later date be designated therein. Every such ordinance, together with the certificate of the clerk of the city of the time and manner of the publication thereof, shall be recorded in a book to be provided and kept for that purpose and the said record, or a copy thereof, certified by the clerk of said city shall be presumptive evidence in all courts and places, and in all actions and proceedings of the due passage of such ordinance and of its having been duly published.

§ 42. **General legislative powers.** The general legislative powers of the city for all proper municipal purposes, except such powers as may be vested in other city boards or officers, shall be vested in the common council. It shall have power to enact ordinances not inconsistent with the law of the state for any local purposes pertaining to the government of the city and the management of its business, the protection of the business and property interests of its citizens, the preservation of order, peace, health, safety and welfare of the city and the inhabitants thereof, and to amend and repeal the same; and shall have such powers of legislation by ordinance or resolution as are conferred upon it by this act or any other provision of law specially conferred by this act upon any separate board of the city. The powers conferred by this section are not limited by the powers enumerated in the following sections.

§ 43. **Further powers.** The common council, in addition to

such other powers as may be conferred upon it, shall have power except as otherwise provided in this act:

(a) To provide for and have the care, custody and preservation of the public property, books, records and papers belonging to said city; to prevent and punish any injury to or trespass upon the property of the city, and to make any and all necessary repairs and improvements to the same, except where the power of repairing public buildings is specifically conferred by this act or any other board or officer, and to cause any of the city property to be insured when it shall be deemed advisable.

(b) To prescribe and define the powers and duties of the officers of said city and to fix and determine their compensation where the same is not otherwise provided for by law or this act, and in case any officer shall have duties specified by this act, to prescribe such additional duties as it may deem the interests of the city require not inconsistent with this act, and to see that all city officers faithfully and correctly perform their several duties and that proper measures are taken to punish the neglect or violation of duty by any of them.

(c) To audit all accounts and claims against the city except as otherwise provided by this act or by general laws and order the payment of such as shall be allowed, and to make such rules and regulations in regard to the same as it may deem proper; to examine the accounts of the treasurer and prescribe the manner of paying out and accounting for moneys received by him for the city.

(d) To call a special meeting or election of the electors or taxpayers of said city whenever in its judgment the same shall be required by the public interests or provided for by law, and to carry into effect any lawful resolution adopted at such election or meeting or at the annual election; to purchase ground for a public park provided the necessary fund for such purpose shall have been voted at a taxpayers' election as provided by this act and not otherwise.

(e) To make or cause to be made maps of the city and of the wards thereof and to survey the boundaries of the city and of the streets, highways and public grounds thereof; and to designate and alter the names of the streets and the numbers of all lots and buildings.

(f) To prevent any encroachment, encumbrance or obstruction in or upon any street, sidewalk, highway or public grounds of said city; and in case of the neglect or refusal of any person who

shall have caused any such encroachment, encumbrance or obstruction, or of the owner or occupant of any premises who shall have any building, fence or other structure or thing encroaching upon, encumbering or obstructing any street, sidewalk, highway or public ground in the city, to remove the same after being notified so to do; the common council shall have power to cause such removal at the cost and expense of such person or of such owner or occupant, and to collect the same by an action at law, and for the purpose of this provision the common council shall have authority and jurisdiction over any officer or board of the city.

(g) To provide for lighting the streets and public places of the city and to have jurisdiction and charge thereof with power to make all necessary contracts therefor, except that no such contract shall be advertised for or entered into for a period exceeding ten years.

(h) To prosecute in the corporate name of the city upon any contract or liability in which said city may be interested and for all fines and penalties, costs and expenses imposed by this act or by any ordinance or by-law of the city, and enforce the collection thereof.

(i) To provide necessary and proper rooms and offices for the use and occupation respectively of the common council and the boards, officers and employees of the city, and to designate the fund or funds out of which the expense of such offices respectively shall be paid.

(j) To require any officer, board or employee of the city to furnish reports, information or estimates whenever it shall be deemed proper by the common council.

(k) To establish the grade line and width of streets and sidewalks, and to cause the city engineer to make all necessary surveys, maps and profiles relating to any work within its jurisdiction.

(l) To determine when any street or section of a street or any public place or public square should be graded, paved or repaved, and to let the contracts therefor.

(m) To accept the deeds or dedication of any street, sidewalk, public square or public place in said city.

(n) To determine that any street, sidewalk, public square, public place or bridge in said city should be constructed, laid out, opened, extended, altered, widened, straightened or discontinued and to let all necessary contracts therefor.

(o) To determine when extensions and additions to the water

system and sewer system of the city shall be made, laid and constructed and to let necessary contracts therefor.

(p) To establish and fix the water rents and change the same; to prescribe rules for regulating the use of the water supply and for the protection and preservation of the property, water works, reservoirs, pipes and sewers and the appurtenances thereto.

(q) And for the purpose aforesaid or any or either of them, or for executing any powers conferred upon the common council, the commissioner of public works, commissioner of public safety, commissioner of charities or any official or employee of the city, or upon the said city by this act or otherwise, the said common council shall have full power to make, establish, publish, modify, amend or repeal ordinances and prescribe, fix and enforce such penalties and fines as it may deem proper for the violation of them respectively.

§ 44. **Ordinances.** The common council shall also have power to enact ordinances for the following purposes and to amend and repeal the same:

(a) To restrain and punish vagrants, mendicants, street beggars and persons soliciting alms, keepers of houses of ill fame, common prostitutes, lewd and disorderly persons, and to prevent and punish drunkenness and disorderly or immoral conduct in streets and public places.

(b) To prohibit the gathering or assembling of persons upon the public streets of said city or congregating upon the corners of the streets thereof, and to authorize the police officers of said city to disperse all such gatherings or assemblages of persons, and upon the refusal of persons so congregated or assembled to disperse when commanded so to do by a duly appointed police officer, such police officer may make summary arrest of any person or persons so refusing, and take him or them forthwith before the recorder of said city to be by him tried as disorderly persons and punished as such, and all such persons are hereby declared to be disorderly persons.

(c) To restrain cattle, animals and fowls from running at large in said city, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of their keeping and the proceedings; to make regulations for taxing and confining dogs and destroying such as may be found running at large, contrary to any ordinance; and to establish a public pound which shall be subject to the jurisdiction and management of the commissioner of public safety.

(d) To license, regulate and control all porters, cartmen, hack or cabmen, stages, omnibuses or other vehicles, for the transportation of passengers within the city; to fix their rates of compensation and to require them to have licenses and prescribe the amount to be paid therefor; to regulate by license or prohibit the exhibition of any circus, caravan, theatre, curiosities, or other show or entertainment; to regulate by license or prohibit auction sales in said city, and hawking and peddling on the streets of said city.

(e) To prohibit all kinds of gambling; to regulate billiard rooms and bowling alleys; to suppress and restrain disorderly houses and houses of ill fame; to regulate and prevent bathing in the Mohawk river and all the creeks and other waters within the city; to prevent immoderate driving and racing in said city.

(f) To prevent or regulate the deposit of building materials upon the streets or sidewalks to such an extent and for such time as it may prescribe.

(g) To prohibit, license or regulate the keeping, storing, use or sale of gun powder, kerosene or any other combustible or explosive substance or compound, and the conveyance or transportation of the same in or through any part of the city; to regulate or prohibit the use of firearms in said city; to regulate the use of lights in stables or other buildings in which combustible materials may be collected or deposited.

(h) To regulate the erection and use of telegraph, telephone or electric light poles or poles for the carrying of electric wires on the streets or public grounds; or the stringing or placing of wires in, over, under or upon the streets or public places, or upon, over, or in front of any building or buildings and to provide for the removal of any pole or wire erected or maintained contrary to such regulation or any ordinance of the city; to prescribe rules and regulate the installation in all houses, buildings or structures of all wires, conductors or other substances used for the transmission of electric energy for light, heat, power or other purposes.

(i) To prohibit and punish any game, practice, amusement or act in the public streets or elsewhere having a tendency to frighten teams or horses, or to injure or annoy persons residing in the city or passing in or along the highways or streets of the city, or to injure or endanger life or property.

(j) To regulate the speed of locomotives, tenders, railroad and street railway cars and all other vehicles, and to prevent the unnecessary obstruction of streets by the same.

(k) To regulate and prescribe plans, methods and materials

for the erection and repair of buildings within said city or any district or districts thereof which it may establish, and for such purpose to establish a building code.

(l) To prevent or regulate the ringing of bells, blowing of whistles and horns, the crying of wares and making of any unnecessary noise, which may tend to disturb the peace of the city; to prevent or regulate the sale or exposure for sale of fireworks or other explosive compounds; to prevent and punish the discharge of firearms, rockets, fireworks and gun powder in or near the streets of the city or in the vicinity of any building.

(m) To regulate, prevent or punish the posting of bills, signs or advertisements, on any public building, or any telegraph, lighting or telephone poles, within said city.

(n) To compel the owners or occupants of buildings to have scuttles in the roofs thereof and stairs or ladders leading to them; to prescribe and compel the erection and use of fire escapes, fire doors and fire shutters in such buildings as it may deem necessary and to compel the furnishing and placing of fire buckets, pails, fire extinguishers, hose, stand pipes and such other apparatus for the prevention and extinction of fires as it may deem proper.

(o) To provide or regulate the erection, placing or maintaining on or above any street of the city any goods, sign, sign-board or other device which shall hang, suspend or project from or upon any such street or the sidewalk thereon.

(p) To enact ordinances, not inconsistent with law, for the government of the city and the management of its business, for the preservation of good order, peace and health, for the safety and welfare of its inhabitants and the protection and security of their property.

§ 45. **Violations of ordinances.** Every person violating any ordinance heretofore passed, or that may hereafter be passed by the common council of the city of Amsterdam, shall be liable to the penalty or fine therein prescribed, and in the event that no fine or penalty is fixed therein, then he shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the court before which such conviction shall have been had.

§ 46. **Power to summon witnesses.** The mayor, common council or any committee thereof, by its chairman, shall have power to issue a subpœna to any person to appear and testify before him or them in respect to any matter pending or referred to either of them or to any board of the city. Such subpœna may

be served at any place within the county of Montgomery in the same manner as subpœnas for witnesses in criminal cases. Any person who shall refuse to attend in obedience to any such subpœna may be arrested by an order or attachment which shall be issued by the mayor or recorder upon proof of the service of such subpœna and of such refusal, and may be committed to the county jail or other proper place of detention until he shall appear or testify. Such witness so refusing to attend may also be fined or imprisoned for disobedience of such subpœna by the mayor or recorder in the manner and to the same extent as witnesses refusing to attend in obedience to subpœna duly issued by a justice of the peace. Whenever any person summoned as a witness before said mayor, common council, or any committee thereof shall refuse to be sworn or affirmed or to answer any proper or pertinent question, the mayor or recorder on complaint made may forthwith commit such person to the county jail or other proper place of detention for a period not exceeding twenty days, or until he shall be sworn or affirmed or answer such question. Such commitment shall be made by a warrant directed to the sheriff of the county or other officer having such place of detention in charge, and shall recite the cause of such commitment, and such officer shall keep such person in close confinement as directed thereby.

§ 47. **Accounts against city.** No account or claim against the city, except for a fixed salary, for the principal or interest on a bonded or funded debt or other loan, or for the regular or stated compensation of officers or employees in any city department, or for work performed or materials furnished under the contract therefor, shall be paid unless a claim therefor, itemized and verified by or on behalf of the claimant and approved by the head of the department or officer whose action gave rise or origin to the claim shall have been filed with the city clerk, and shall have been audited and allowed by the common council; the city clerk shall cause all such claims to be presented to the common council for audit, and they shall be referred by said common council to a standing committee thereof, to be composed of five members to be called "Auditing Committee." It shall be the duty of said committee to inquire or examine into said claim or account and they may send for persons and papers and examine the claimant and witnesses on oath in relation thereto. The said committee shall report the matter referred to them to the common council, either favorably or adversely with their reasons, and said com-

mon council shall then hear, examine and determine the same as a board of town auditors, and for that purpose shall possess the powers and be subject to the duties of town auditors.

§ 48. **Claims for injuries to person or property.** Claims against the city for injuries to the person or property of the claimant, alleged to have been caused or sustained by defects, want of repair, or obstructions from snow or ice, or other causes in the highways, streets, sidewalks or crosswalks of the city, shall be filed with the city clerk in writing within three months after such injury is received. Said claim shall describe the time, place, cause and extent of the injuries so far as practicable, verified by the oath of the claimant if possible; the omission to present the said claim as aforesaid within three months shall be a bar to any claim or action therefor against the city, and no action shall be commenced against said city on such claim until after three months from the filing thereof. The city clerk shall present all such claims to the common council for audit.

§ 49. **Designation and marking of certain streets.** The common council may designate those streets and highways in the city which in its judgment cannot be put in proper condition for general travel without too great expense and shall cause such streets so designated to be appropriately marked on such streets and highways and on the map thereof.

§ 50. **Official newspapers.** The common council shall, at its first meeting in each official year, designate two newspapers in said city in which shall be published all official notices and all ordinances and proceedings of the common council; which said newspapers shall be selected from the newspapers of said city which are allied to and supporting different political parties. In making such selection, each member of the common council may designate one newspaper, and the two newspapers receiving the greatest number of votes shall be selected and designated as such official newspaper of the city for the ensuing year, provided that they are opposite in politics, as aforesaid, and if they are not opposite in politics the designation shall be a nullity. After the close of each fiscal year the common council shall cause to be printed a volume containing all the proceedings of the common council.

§ 51. **Franchises.** No license, permission, grant or franchise for the use or occupation of any street, highway or public ground or any part thereof shall be entered into, given, made or granted for a term exceeding fifty years. The power to grant such license, permission, grant or franchise shall be vested in the common

council of said city subject to the power possessed by the mayor to veto ordinances.

§ 52. **Discontinuance of streets.** Whenever the common council shall contemplate the discontinuance of any street, it shall cause a notice to be published for ten days in the official newspapers of the city of its intention so to do, and that all persons interested may be heard in reference thereto at the time stated in such notice. If it shall be determined to discontinue the street and any person shall claim to be damaged by said discontinuance, such alleged damages unless agreed to by the common council, must be ascertained and determined by three commissioners to be appointed by the county court of Montgomery county or the supreme court. All proceedings for the appointment of such commissioners and the hearing before them and the ascertainment and award of compensation shall be taken and had in compliance with the statute known as the condemnation law,[7] in so far as applicable, and when any award shall be confirmed by the court the amount thereof shall be a liability against the city, and judgment may be entered thereon as in an action at law. An ordinance discontinuing any street shall require the affirmative vote of three-fourths of all the members of the common council. Any person feeling himself aggrieved by such discontinuance and entitled to compensation therefor, shall within three months after such street is discontinued, present to the common council his claim for such compensation, stating briefly the nature and extent of the injury he claims to have suffered. Within two months after the time limited for the presentation of claims, it shall be the duty of the common council of said city to apply for the appointment of the commissioners provided for in the condemnation law to ascertain the damages, if any, sustained by said claimant; and within the time herein limited for the city to apply for the appointment of commissioners, said persons filing claims shall be precluded from taking any proceeding for the enforcement of their claims.

TITLE V.

DEPARTMENT OF PUBLIC WORKS.

§ 53. **Commissioner of public works.** The commissioner of public works shall be the head of the department of public works. He shall cause to be kept a record of all his proceedings, full and

[7] Code of civil procedure, §§ 3357–3384.

accurate accounts and records of all moneys expended by him, of all officers appointed, suspended or removed, of all liabilities incurred, work performed, employees engaged and of all matters pertaining to the execution of the duties of his office.

§ 54. **General powers and duties.** The commissioner of public works shall be vested, except as otherwise provided in this act, with the charge, control and management of the streets, sidewalks and bridges within the city, of the water works system, reservoirs, pipes and hydrants, and of the sewers and of all the real estate and buildings and structures pertaining to the foregoing, and of all machinery, tools, appliances and materials used in connection therewith. Except as otherwise provided by law or this act, the commissioner of public works has, over the streets and public places within the city, all the jurisdiction and is charged with all the duties of town superintendents of highways within the towns of the state.

§ 55. **Further powers and duties.** The commissioner of public works shall have power:

(a) To appoint the city engineer and have general supervision over him; to employ and fix the compensation of a clerk and such assistants, laborers and teams and incur such expenditures as may be necessary within the limits of the appropriations made for his department.

(b) To make all ordinary and necessary repairs and improvements to the water and sewer systems, streets, bridges, public grounds, cross walks and culverts, including the cleaning of the same, and it shall be the duty of said commissioner to keep the same free from obstructions and in good condition and repair and reasonably safe for public use.

(c) To have general supervision and control of all work performed under any contract of the city for grading, paving or repaving or for any local or other improvement, except that of lighting the streets and public places, when the contract therefor shall have been let by the common council. And it shall be the duty of said commissioner to cause all such work to be performed in full compliance with the provisions of any contract therefor.

(d) To have general supervision and control of the constructing, laying out, opening, extending, altering, widening, straightening or discontinuing any street, sidewalk, or public places or bridges when directed by the common council.

(e) To have general supervision and control of all necessary extensions or additions to the water system and sewer system

of the city when the contract therefor shall have been let or when such extensions and additions shall have been ordered by the common council.

(f) To regulate and control under the ordinances of the common council the planting, rearing, trimming and removing of trees in the streets, highways and public places of the city.

(g) To regulate and supervise under the ordinances of the common council the use of the water supply and to protect and preserve the property, water works, reservoirs, pipes and sewers and the appurtenances thereto.

(h) To supervise and control the construction, repair and alteration of all city buildings when the contract therefor shall have been let or the same shall have been ordered by the common council.

§ 56. **Performance of public work to be certified.** All public work performed pursuant to contract under the supervision or control of the commissioner of public works shall, before it is accepted, be certified to by him to the effect that such work has been performed in a good and substantial manner with the materials required, of the quality and in the manner directed by the terms of the contract under which the same was done. Within ten days after the completion of any such work the commissioner shall file a certificate of such completion with the city clerk, to be reported by him to the common council. Such certificate shall state in substance that said work has been duly examined by the commissioner and that the same has been fully performed and completed in accordance with the terms of the contract therefor.

§ 57. **Paving.** No street shall be paved by said city unless the owners owning a majority of the amount of lineal feet fronting on the part of the street proposed to be paved petition therefor; except that if three-fourths of all the members of the common council then in office, shall by resolution vote that such paving be expedient and necessary, then such paving can be done without such petition. If the common council shall decide without a petition as above provided, that any street or section of a street ought to be paved, the city clerk shall cause to be published for at least two weeks, a notice in the two official newspapers of the city, that at a time and place to be therein specified, the common council will meet to make a final determination in respect thereto. Such notice shall contain a brief description of the character, location and extent of the paving and of the material to be used therefor. Any person interested shall be entitled to be

heard at such meeting in opposition to or in favor of such paving. If at the time of or before such meeting a protest against the paving, in writing, signed by the owners of two-thirds of the frontage upon such street or section of street proposed to be paved, and acknowledged as deeds of real estate are required to be acknowledged, be filed with the city clerk, the said common council shall not order the proposed paving, nor shall it consider the same again within one year; but the owners owning a majority of the amount of lineal feet fronting on a smaller section of the same street not less than one block, may file with the city clerk a petition therefor, and in that case the said common council may order the paving as therein requested. Fifty per centum of the expenses of paving made or directed under this section, shall be paid by a general tax upon the city, and such part or portion of such expenses shall thereupon become a charge upon the city and shall be added to and raised with the next general assessment and tax for city purposes; and fifty per centum of said expense shall be defrayed by local assessment upon such portions of the real estate in said city and against the owners thereof, as the assessors of said city shall deem more immediately benefited by such paving. No part of the expense of paving a street, except the general tax hereinbefore mentioned, shall be assessed upon any lands not bordering on or touching said street. The common council shall not in any one year, order or contract for paving, the total cost or expense of which shall be in excess of the sum of thirty thousand dollars. Nothing herein contained shall relieve any street surface railroad corporation from the obligation of paving such portion of the street as is imposed on it by law;[8] and the cost of paving the said portion shall not be considered a portion of the total cost of paving, in determining the amount of paving that may be ordered or contracted for in any one year. The said common council is hereby authorized to borrow upon the credit of the city such sums and for such period of time, not exceeding four years for any portion thereof, as shall be necessary to pay the entire cost and expense of such paving, in anticipation of the collection of the taxes therefor, and pay and discharge the entire indebtedness thereof. The city's portion of the money so borrowed shall be repaid, when collected, from the general tax. The balance of said indebtedness so borrowed shall be repaid, when collected, from the assessment for such paving. Any person, firm

[8] See railroad law (L. 1910, ch. 481), § 178.

or corporation owning property abutting or touching on any street, or section thereof, directed to be paved according to any of the provisions of this act, and against whom or whose property the assessors shall make an assessment and who shall become and be liable for the payment of such assessment, as herein provided, may, at any time before the expiration of the last day when the tax or assessment for such paving may be paid without fees to the city treasurer, as provided in section one hundred and four of this act, file a statement in writing with the city treasurer, that he, she, they, or it elects to pay such tax or assessment in not to exceed three equal instalments, with interest thereon at six per centum per annum, interest to be computed on such instalments from the expiration of the last day when the same might have been paid without fees had such election not been made. At the time of filing such statement the person, firm or corporation filing the same must pay the first instalment of said tax or assessment; otherwise such statement and election shall be void and of no effect. The balance of such instalments shall be due and payable in one and two years respectively. At the time when such tax or assessment is due where no election is made as above provided, and when any of the respective unpaid instalments with the interest thereon shall become due and payable where such election is made, said common council shall issue the proper warrant for the collection of said tax or assessment or unpaid instalment, with interest, so due and payable, attach the same to said assessment-roll, and deliver the said warrant so attached to the treasurer of said city, and thereupon the same proceeding shall be had and taken for the collection of said tax or assessment or unpaid instalment as provided by section one hundred and four of this act for the collection of a local assessment and as prescribed by sections eighty-six to ninety-four inclusive of this act for the collection of unpaid taxes. The term paving as used in this act shall include repaving.

§ 58. **Grading.** Whenever any street, highway or public ground shall be graded, the common council shall determine by resolution what part or portion, if any, not exceeding twenty-five per centum of the expense of such grading shall be paid by a general tax upon the city, and such part or portion of such expense shall thereupon become a charge upon the city, and shall be added to and raised with the next general assessment and tax for city purposes; and what part or portion of such expenses shall be defrayed by local assessment upon such portions of the real estate

in said city and against the owners thereof, as the assessors of said city shall deem more immediately benefited by such grading. No part of the expense of grading except the general tax hereinbefore mentioned, shall be assessed upon any lands not bordering on or touching such street. When the grade of a street has been established and the street graded accordingly, the grade shall not be changed and the street graded according to the changed grade, except on petition of the owners of a majority of the lineal feet fronting on the part of the street to be graded, and unless compensation be made to the owners of property injured by the regrading, such compensation to be determined by agreement or awarded by three commissioners to be appointed by the county court of Montgomery county or the supreme court. All proceedings for the appointment of such commissioners and for the hearing before them and the ascertainment and award of compensation shall be taken and had in compliance with the statute known as the condemnation law[9] in so far as the same is applicable. And when any award shall be confirmed by the court the amount thereof shall be a liability against the city, and judgment may be entered thereon as in an action at law. Any person feeling himself aggrieved by such regrading and entitled to compensation therefor, shall within six months after such regrading is completed, present to the common council his claim for such compensation stating briefly the nature and extent of the injury he claims to have suffered; and no proceedings shall be taken to recover such compensation for a period of two months after the claim is so filed or presented, nor shall any recovery for such compensation be had or any proceedings or action therefor under this act or any provision of law be maintained unless the same shall be commenced within one year after the presentation of the claim to the common council as herein provided.

§ 59. **Opening, widening and extending streets.** Whenever it shall have been determined to construct, lay out, open, extend, alter, widen or straighten any street, alley, lane, highway, or public ground, the common council shall determine by resolution whether the whole or what part or portion, if any, of the expense shall be paid by a general tax upon the city, and whether the whole or what part or portion of such expense shall be defrayed by local assessment upon such portions of the real estate in said city and against the owners thereof as the assessors of said city shall deem more immediately benefited thereby.

[9] Code of civil procedure, §§ 3357–3384.

§ 60. **Construction and repair of sidewalks, curbs and gutters.** Whenever the common council shall by resolution or ordinance declare that any sidewalk, curb or gutter shall be made, constructed or graded, it shall specify that the same be done at such times, in such manner and of such materials as it may prescribe and direct. At least twenty days before the expiration of the time specified for the doing of such work, said common council shall cause to be served upon the owners of the lands adjoining such sidewalk, curb or gutter so to be improved, a copy of said resolution or ordinance, with a notice that if the same is not done within the specified time by the several owners, it will be done by said common council at the expense of the owners thereof. Such service shall be made either personally or by delivering the same at his residence, or if he be a non-resident by mailing the same to him at his last known place of residence, or if the name of the owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place upon the premises. Affidavits of the service of such notice shall be filed in the office of the clerk of the city and such affidavits, or a certified copy thereof, shall in all courts, places, actions and proceedings be presumptive evidence of the facts therein stated. In case such improvements shall not be made or done as required within the time specified, the common council shall make or do the same, and the commissioner of public works shall file with the city clerk his certificate that the work has been done. Upon the filing by the commissioner of public works of such certificate, the cost and expense of such work shall be assessed in the manner prescribed for the assessment for local improvements by sections one hundred and one, one hundred and two, and one hundred and three of this act, except that the same shall be assessed against the delinquent owners of the property abutting upon such improvement in proportion to the frontage thereon; and the same shall be collected in the manner prescribed for the collection of local assessments by section one hundred and four of this act.

§ 61. **Repair of sidewalks; removal of ice and snow.** The commissioner of public works shall have full power and authority to require the owner of property abutting upon a street to repair any sidewalk or gutter in front thereof or bring the same to true grade, and to remove the snow and ice therefrom. Where the owner of such property shall fail or neglect to repair any sidewalk or bring the same to true grade for five days after written notice so to do has been served on him, either personally or by delivering the same

at his residence, or if he be a non-resident by mailing the same to him at his last known place of residence, or if the name of the owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place upon the premises; or where the owner of any such premises shall fail or neglect to remove snow and ice from any such sidewalk after the same has remained thereon for more than twelve hours, and the commissioner shall have repaired such sidewalk or brought the same to grade or removed the ice or snow therefrom, a bill for the expenses incurred thereby shall be presented to the owner personally or by leaving the same at his residence, or, if he be a non-resident, by mailing the same to him at his last known place of residence, or, if the name of such owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place on the premises; and, if he shall fail to pay the same within ten days thereafter, the commissioner shall file each year immediately preceding the time for making the annual assessment-roll his certificate of the actual cost of the work, together with a statement as to the property in front of which the repairing or grading or cleaning was done, with the assessors of the city, who shall, in the preparation of the next assessment-roll of general city taxes, assess such amount upon such property, and the same shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general city tax and as a part thereof.

§ 62. **Sewer, gas and water mains.** The opening of all trenches and excavations in the street and the laying and attaching of all service and house connection pipes with the water mains and sewers shall be done under the direction of the commissioner of public works, who shall prescribe the manner in which the same shall be done and issue permits therefor. No paving, repaving or macadamizing shall be done in any street, until the gas and water mains and sewers shall have been laid therein and service and house connection pipes to the same laid in front of each separate piece of property to the extent and in such manner as the common council shall prescribe. At least five days' written notice shall be given to each property owner requiring him to make service and house connection with the sewer and water mains as above provided, such notice to be served in the manner prescribed for service of notice in respect to the repair of sidewalks in section sixty-one of this act and in case of neglect or

refusal on the part of the owner to make such service and house connections, then the common council shall require such work to be done and the expense incurred thereby shall be collected in the same manner as prescribed in section sixty-one for the collection of expenses incurred in the repair of sidewalks, and such expenses shall be a lien upon said property.

§ 63. **Width of streets, sale of lots.** No new street hereafter laid out or mapped shall be accepted, opened, worked or graded by said city, or accepted as a street of said city, unless the same shall be fifty feet in width or more. All owners of property having lots within said city, now or hereafter mapped out for sale, are required to file a map of the same with the city clerk, said map to be approved by the commissioner of public works, before any of said lots are sold or offered for sale, which said map shall show and designate thereon the proposed streets, avenues, highways, lanes, alleys and parks; and unless such map shall be filed and approved, said streets and avenues shall never become public streets of the city and neither sewer, water nor lights shall be placed thereon.

§ 64. **Acquisition of lands.** The common council shall have the power to acquire for and in the name of the city by agreement or by appraisal, any lands, water, easements, hereditaments, rights, privileges and estates situate at any place within the county of Montgomery or within any county adjoining the county of Montgomery, which may be necessary for supplying the city with water, subject, however, to the provisions of article two of chapter fifty-six of the laws of nineteen hundred and nine[10] and the amendments thereof; and such also within the county of Montgomery as may be necessary for the construction or maintenance of sewers or for the purpose of a public park; such also within the city of Amsterdam as may be necessary for the laying out, opening, widening or straightening any streets; and may also enter into or upon any lands or waters for the purpose of making all necessary surveys. In case the said common council cannot agree with the owner or owners of such real estate or interest therein upon the price to be paid therefor, it may proceed to acquire or perfect title thereto for and in the name of the city in the manner provided by the statute known as the "condemnation law,"[11] and the provisions of that statute shall apply to such proceeding. Before entering, taking or using any land for the purpose of this act, the

[10] State boards and commissions law.
[11] Code of civil procedure, §§ 3357–3384.

at his residence, or if he be a non-resident by mailing the same to him at his last known place of residence, or if the name of the owner or his place of residence cannot be ascertained after due search, by posting the same in a conspicuous place upon the premises; or where the owner of any such premises shall fail or neglect to remove snow and ice from any such sidewalk after the same has remained thereon for more than twelve hours, and the commissioner shall have repaired such sidewalk or brought the same to grade or removed the ice or snow therefrom, a bill for the expense incurred thereby shall be presented to the owner personally or by leaving the same at his residence, or, if he be a non-resident by mailing the same to him at his last known place of residence, or if the name of such owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place on the premises; and, if he shall fail to pay the same within ten days thereafter, the commissioner shall [illegible] preceding the time for making the annual assessment his certificate of the actual cost of the work together with a statement as to the property in front of which [illegible] grading or clearing was done, with the assessed [illegible] and the board shall in the preparation of the next assessment roll of general city taxes, assess such amount upon such property and the same shall be levied, collected, enforced and collected in the same manner by the same proceedings, at the same time, and under the same penalties and having the same lien upon the property assessed as the general city tax and as a part thereof.

§ 3. **Sewer, gas and water mains.** The opening of all trenches in the street and the laying and attaching of sewers and house connection pipes with the water mains [illegible] shall be done under the direction of the commissioner [illegible] who shall prescribe the manner in which [illegible] shall be laid and have permits therefor. No paving, [illegible] shall be done in any street, until the [illegible] sewers shall have been laid therein as [illegible] and house connection pipes to the same laid in front [illegible] property to the extent and in such [illegible] shall prescribe. At least five days [illegible] shall be given to each property owner requiring [illegible] and house connection with the sewer, [illegible] such notice to be served in [illegible] provided for service of notice in respect to the repaving [illegible] sixty-one of this act and in case of [illegible]

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therefor, it may proceed to acquire or perfect
ınd in the name of the city in the manner pro-
ıte known as the "condemnation law,"[11] and the
; statute shall apply to such proceeding. Before
r using any land for the purpose of this act, the

[10] commissions law.
[11] edure, §§ 3357-3384.

said common council shall cause a survey and map to be made of the lands or waters or interest therein intended to be taken or entered upon for any of the said purposes, by and on which the land, waters, or interest therein of each owner or occupant shall be designated, which map shall be signed by the mayor and city clerk and be filed in the office of the clerk of the county in which the land or water or interest therein is situated; but said common council, its employees, agents and servants, may enter upon any land for the purpose of making such survey or maps, and upon the filing of such map said common council, its agents or servants, may enter upon any land so designated for the purpose of prosecuting the construction of any necessary work. Said city shall have the right to use the soil or ground under any street, highway, public land or road within Montgomery county or any county adjoining Montgomery county and to use the said streets, highways, public lands or roads for the purpose of constructing and maintaining said water pipes, sewers, culverts, drains and conduits on condition that it shall cause the surface of such street, highway or road to be relaid and restored to its usual state and all damages done thereto repaired and such rights shall be continuous for the purpose of repairing and relaying said water pipes and sewers, culverts, drains and conduits.

§ 65. **Water rents.** The common council shall establish a scale of rents to be charged, and paid to the city treasurer from time to time either in advance, or at such time or times, as the said common council shall prescribe for the supply of water, to be called "water rents." Said water rents shall be apportioned to the lots and different classes of buildings in said city in reference to their dimensions, values, exposure to fires, ordinary and extraordinary uses for dwellings, stores, shops, hotels, factories, livery or private stables, and all other buildings, establishments and trades and other common purposes, yards, number of families or occupants, or consumption of water as near as may be practicable. The common council may from time to time, either modify, amend, increase or diminish such rents. Hotels, factories, stables and other buildings and establishments which consume extra quantities of water shall pay, in addition to the regular rents, such sums as the common council shall direct. And the commissioner of public works and such of the employees of his department as he shall direct are hereby authorized at all times to enter any building or place where water is used from supply pipes to examine as to the water, quantity used and the manner

of using it. Such regular water rents shall be collected from the owner or occupant of all such lots and such buildings, respectively, as shall be situated upon lots adjoining any street or avenue in said city, in which the distributing pipes are or may be laid and from which they can be supplied with water. The common council shall annually and on or before the fifteenth day of January of each year make a complete roll of all water rents to be assessed and levied and file the same with the city clerk where it shall remain open for public inspection for two weeks. The said common council shall immediately publish a notice twice a week for two weeks in the official papers that such roll has been completed and filed and that the said common council will meet at a time and place in said notice specified, to hear objections thereto, and the said roll shall be subject to review as other assessments in said city. The said roll of water rents shall be finally completed and adopted by said common council on or before the tenth day of February in each year and thereupon the said common council shall attach its warrant to the said roll for the collection thereof and cause the same to be delivered to the city treasurer for collection.

§ 66. **Collection of water rents.** Upon receiving the roll of water rents, the treasurer shall give notice by publishing the same twice in each of the official papers of the city, of the receipt by him of such roll and warrant, and that all persons named therein are required to pay their water rents at his office on or before the first of April thereafter, and that for one month after said first day of April two per centum fees will be charged and collected. If any water rents shall remain uncollected on said first day of April, the treasurer shall forthwith give notice to the person or persons against whom such water rents stand charged. The notice shall require said person or persons to pay such water rents to said treasurer at his office within one month thereafter with two per centum fees thereon, shall specify that after the first day of May interest at the rate of ten per centum per annum in addition will be charged until said water rent is paid. Such notice may be served and proof of the service made in the same manner as provided in section eighty-five for the service of notice and proof thereof, for the payment of the city tax. It shall be the duty of the treasurer on the first day of July to make out a roll of all the water rents which shall not have been paid and deliver said roll to the common council, which shall relevy and add the same in a separate column to the city tax roll for the current year, and the same shall be enforced and collected in the same manner, by the

same proceedings, at the same time, under the same penalties, and have the same lien upon and may be assessed as the general city tax and as a part thereof.

§ 67. **Bond.** The commissioner of public works shall give a bond as required by this act in the penal sum of ten thousand dollars, which said bond shall be filed and recorded in the office of the county clerk of Montgomery county.

TITLE VI.

DEPARTMENT OF PUBLIC SAFETY.

§ 68. **Commissioner of public safety.** The commissioner of public safety shall be the head of the department of public safety. The commissioner shall cause to be kept full and accurate accounts and records of all moneys appropriated to or expended by the said department, of all officers appointed, suspended or removed by him, of all liabilities incurred, work performed, and of all matters pertaining to the execution of his duties.

§ 69. **Rules and regulations.** The commissioner of public safety shall make such rules and regulations, not inconsistent with the provisions of this act, as may be necessary for the government and discipline of the firemen and policemen and the management of said department.

§ 70. **General powers and duties.** The commissioner of public safety shall have general control and management of the fire department and police department of said city, and shall have full power and jurisdiction and control of all the appointees and employees of said department and of all personal property belonging or pertaining thereto, including fire alarm and police telegraph and telephone system; he shall have power to locate hose carts, hook and ladder carriages, engines and other apparatus belonging to or used in the fire department; to supervise the occupancy of the real estate of said city used by the fire department and police department. He shall be the fire warden and building inspector of said city and shall perform all the duties imposed upon him in such capacity by ordinance of the common council or by the general law, and he shall enforce all the provisions of the building code as adopted by the common council. He shall also supervise the stringing of all electric wires on the streets and in the houses and buildings and see that all ordinances of the common council relative thereto are enforced. He shall have power when authorized by the common council to appoint or employ a pound master and prescribe

his duties; he shall also have power to appoint as many special policemen from time to time as he may deem necessary, to serve without compensation a specified length of time not extending beyond the first day of January following the appointment; and also appoint, in time of emergency, such number of special policemen as he may deem necessary to serve for a limited time not exceeding ten days and to fix their compensation therefor. He shall appoint the officers and members of the police department and fire department as hereinafter provided. The commissioner of public safety, or if authorized by him, the chief engineer of the fire department, may investigate into the cause of any fire and for that purpose either of them shall have power to administer oaths and to compel the attendance of witnesses by subpœna. Whenever authorized by the common council or by any ordinance adopted by it, he shall compel the owner of any wall, building, pole, tower or other structure in the city, which may be in a ruinous or unsafe condition, to render the same safe or to take down and remove the same; and in case of the neglect or refusal of such owner to render such wall, building, pole, tower or other structure safe, or to take down or remove the same after being notified so to do, said commissioner shall have power to cause the same to be taken down or removed at the expense of such owner and to cause such expense to be collected in the name of the city by action or otherwise.

§ 71. **Fire department.** The fire department of the city of Amsterdam shall consist of the chief engineer, assistant engineer, and such firemen as the commissioner of public safety shall with the consent of the mayor determine necessary, all of whom shall be appointed by the commissioner of public safety. The chief engineer of the fire department may, orally or in writing, suspend from duty any member of the department for neglect of duty or violation of the rules and regulations of the department for a period not exceeding ten days; and shall, subject to the powers of the mayor and of the commissioner of public safety, take and have control and management of all officers, firemen, property, measures and actions for the prevention or extinguishment of fires within the limits of said city, may call upon the chief of police or any member of the police force to assist in the protection of property, preservation of order and in the enforcement of all the rules for the government of the department. The chief engineer shall make a yearly report in writing to the commissioner of public safety, and more frequently when requested by him, showing the actual condition of

the property in charge of said chief engineer, a list of fire alarms, losses and insurance on all property destroyed since the last report, particular statements of the cause of said fires so far as known and such other information as he may deem important to the public interests. He shall make and keep an accurate inventory of all the property of the department and see that the same is not wasted, lost or destroyed and perform such other duties as required from time to time by the commissioner of public safety. The assistant engineer shall have all the power and authority of the chief engineer in case of his absence or inability to act. All firemen shall receive as compensation a monthly salary to be fixed by the common council of said city.

§ 72. **Fire limits.** The fire limits of the city of Amsterdam shall extend to and include such territory as the common council shall determine. The common council may from time to time enlarge the territory to be included within the fire limits. No wooden buildings of any description shall be enlarged or constructed within the fire limits except by the permission of the common council given upon and after the recommendation of the commissioner of public safety.

§ 73. **Police department.** The chief of police of said city shall, subject to the authority of the mayor and the commissioner of public safety, be the chief executive officer of the police department and superintend the same; he shall keep a record in a book of all cases and legal proceedings in his department and all services performed by him and by the several policemen of the city and of such fees as are chargeable by law to the county of Montgomery or to any town of said county; he shall also keep a book known as the property book in which he shall enter all articles taken from persons arrested or seized on a warrant or otherwise, together with the disposal made thereof; he shall once in each month, and oftener if required, report to the commissioner of public safety the state of the department and whether any members of the force are delinquent in their duties. The chief of police may orally or in writing suspend from duty any member of the department for neglect of duty or violation of the rules and regulations of the department for a period not exceeding ten days. The assistant chief of police shall discharge such duties incident to his office as may be imposed upon him by the commissioner of public safety or by the chief of police and shall, in case of the absence or inability of the chief to act, possess the power and discharge the duties of the chief of police. All policemen shall

receive for their compensation a monthly salary to be fixed by the common council of said city. The police department of said city shall consist of a chief of police, assistant chief of police, two detectives, and as many patrolmen as the commissioner of public safety may determine, but not more than one for each two thousand of the population of said city as shown and determined by the last state or federal census or enumeration; but the number of such patrolmen shall not be less than the number employed when this act takes effect. No fee or compensation, other than as in this act provided, shall be charged or received by any policeman save such reward as a policeman may be permitted to receive with the consent of the commissioner of public safety.

§ 74. **Policemen; powers and duties.** It shall be the duty of the policemen to preserve peace and good order, to enforce the ordinances, rules and regulations of said city and to execute the orders and commitments of the recorder of said city and of the courts of special sessions held in said city and to perform such other duties as the commissioner of public safety may prescribe. Any criminal warrant issued by any magistrate in said city may be executed in any part of the state by any policeman of said city according to the terms thereof. Each policeman of the city shall have the same power and authority for the collection of taxes in the city as a constable of a town has for the collection of taxes in a town, as well as that conferred by this act, and shall be subject to the same liabilities with reference thereto. The policemen of said city shall have the same power and authority in criminal cases as constables of towns possess by law.

§ 75. **Suspension and removal of members of the police and fire department.** The commissioner of public safety shall have the power to summarily suspend for not more than thirty days, pending the preferring and determination of charges, any member of the police or fire department. If a charge be made by any person against any member of the police department or fire department, that such member has been negligent or derelict in the performance of his official duties, or is incompetent to perform the same, or is guilty of some delinquency seriously affecting his general character or fitness for the office, the charge must be in writing in the form prescribed by the rules and regulations of the commissioner of public safety, and a copy thereof must be served upon the accused member. The commissioner shall then proceed to hear, try and determine the charge. The accused shall have the right to be present at his trial and to be heard in person and by counsel

in said city and against the owners thereof, as the assessors of said city shall deem more immediately benefited by such grading. No part of the expense of grading except the general tax hereinbefore mentioned, shall be assessed upon any lands not bordering on or touching such street. When the grade of a street has been established and the street graded accordingly, the grade shall not be changed and the street graded according to the changed grade, except on petition of the owners of a majority of the lineal feet fronting on the part of the street to be graded, and unless compensation be made to the owners of property injured by the regrading, such compensation to be determined by agreement or awarded by three commissioners to be appointed by the county court of Montgomery county or the supreme court. All proceedings for the appointment of such commissioners and for the hearing before them and the ascertainment and award of compensation shall be taken and had in compliance with the statute known as the condemnation law[9] in so far as the same is applicable. And when any award shall be confirmed by the court the amount thereof shall be a liability against the city, and judgment may be entered thereon as in an action at law. Any person feeling himself aggrieved by such regrading and entitled to compensation therefor, shall within six months after such regrading is completed, present to the common council his claim for such compensation stating briefly the nature and extent of the injury he claims to have suffered; and no proceedings shall be taken to recover such compensation for a period of two months after the claim is so filed or presented, nor shall any recovery for such compensation be had or any proceedings or action therefor under this act or any provision of law be maintained unless the same shall be commenced within one year after the presentation of the claim to the common council as herein provided.

§ 59. **Opening, widening and extending streets.** Whenever it shall have been determined to construct, lay out, open, extend, alter, widen or straighten any street, alley, lane, highway, or public ground, the common council shall determine by resolution whether the whole or what part or portion, if any, of the expense shall be paid by a general tax upon the city, and whether the whole or what part or portion of such expense shall be defrayed by local assessment upon such portions of the real estate in said city and against the owners thereof as the assessors of said city shall deem more immediately benefited thereby.

[9] Code of civil procedure, §§ 3357–3384.

§ 60. **Construction and repair of sidewalks, curbs and gutters.** Whenever the common council shall by resolution or ordinance declare that any sidewalk, curb or gutter shall be made, constructed or graded, it shall specify that the same be done at such times, in such manner and of such materials as it may prescribe and direct. At least twenty days before the expiration of the time specified for the doing of such work, said common council shall cause to be served upon the owners of the lands adjoining such sidewalk, curb or gutter so to be improved, a copy of said resolution or ordinance, with a notice that if the same is not done within the specified time by the several owners, it will be done by said common council at the expense of the owners thereof. Such service shall be made either personally or by delivering the same at his residence, or if he be a non-resident by mailing the same to him at his last known place of residence, or if the name of the owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place upon the premises. Affidavits of the service of such notice shall be filed in the office of the clerk of the city and such affidavits, or a certified copy thereof, shall in all courts, places, actions and proceedings be presumptive evidence of the facts therein stated. In case such improvements shall not be made or done as required within the time specified, the common council shall make or do the same, and the commissioner of public works shall file with the city clerk his certificate that the work has been done. Upon the filing by the commissioner of public works of such certificate, the cost and expense of such work shall be assessed in the manner prescribed for the assessment for local improvements by sections one hundred and one, one hundred and two, and one hundred and three of this act, except that the same shall be assessed against the delinquent owners of the property abutting upon such improvement in proportion to the frontage thereon; and the same shall be collected in the manner prescribed for the collection of local assessments by section one hundred and four of this act.

§ 61. **Repair of sidewalks; removal of ice and snow.** The commissioner of public works shall have full power and authority to require the owner of property abutting upon a street to repair any sidewalk or gutter in front thereof or bring the same to true grade, and to remove the snow and ice therefrom. Where the owner of such property shall fail or neglect to repair any sidewalk or bring the same to true grade for five days after written notice so to do has been served on him, either personally or by delivering the same

at his residence, or if he be a non-resident by mailing the same to him at his last known place of residence, or if the name of the owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place upon the premises; or where the owner of any such premises shall fail or neglect to remove snow and ice from any such sidewalk after the same has remained thereon for more than twelve hours, and the commissioner shall have repaired such sidewalk or brought the same to grade or removed the ice or snow therefrom, a bill for the expenses incurred thereby shall be presented to the owner personally or by leaving the same at his residence, or, if he be a non-resident, by mailing the same to him at his last known place of residence, or, if the name of such owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place on the premises; and, if he shall fail to pay the same within ten days thereafter, the commissioner shall file each year immediately preceding the time for making the annual assessment-roll his certificate of the actual cost of the work, together with a statement as to the property in front of which the repairing or grading or cleaning was done, with the assessors of the city, who shall, in the preparation of the next assessment-roll of general city taxes, assess such amount upon such property, and the same shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general city tax and as a part thereof.

§ 62. **Sewer, gas and water mains.** The opening of all trenches and excavations in the street and the laying and attaching of all service and house connection pipes with the water mains and sewers shall be done under the direction of the commissioner of public works, who shall prescribe the manner in which the same shall be done and issue permits therefor. No paving, repaving or macadamizing shall be done in any street, until the gas and water mains and sewers shall have been laid therein and service and house connection pipes to the same laid in front of each separate piece of property to the extent and in such manner as the common council shall prescribe. At least five days' written notice shall be given to each property owner requiring him to make service and house connection with the sewer and water mains as above provided, such notice to be served in the manner prescribed for service of notice in respect to the repair of sidewalks in section sixty-one of this act and in case of neglect or

refusal on the part of the owner to make such service and house connections, then the common council shall require such work to be done and the expense incurred thereby shall be collected in the same manner as prescribed in section sixty-one for the collection of expenses incurred in the repair of sidewalks, and such expenses shall be a lien upon said property.

§ 63. **Width of streets, sale of lots.** No new street hereafter laid out or mapped shall be accepted, opened, worked or graded by said city, or accepted as a street of said city, unless the same shall be fifty feet in width or more. All owners of property having lots within said city, now or hereafter mapped out for sale, are required to file a map of the same with the city clerk, said map to be approved by the commissioner of public works, before any of said lots are sold or offered for sale, which said map shall show and designate thereon the proposed streets, avenues, highways, lanes, alleys and parks; and unless such map shall be filed and approved, said streets and avenues shall never become public streets of the city and neither sewer, water nor lights shall be placed thereon.

§ 64. **Acquisition of lands.** The common council shall have the power to acquire for and in the name of the city by agreement or by appraisal, any lands, water, easements, hereditaments, rights, privileges and estates situate at any place within the county of Montgomery or within any county adjoining the county of Montgomery, which may be necessary for supplying the city with water, subject, however, to the provisions of article two of chapter fifty-six of the laws of nineteen hundred and nine[10] and the amendments thereof; and such also within the county of Montgomery as may be necessary for the construction or maintenance of sewers or for the purpose of a public park; such also within the city of Amsterdam as may be necessary for the laying out, opening, widening or straightening any streets; and may also enter into or upon any lands or waters for the purpose of making all necessary surveys. In case the said common council cannot agree with the owner or owners of such real estate or interest therein upon the price to be paid therefor, it may proceed to acquire or perfect title thereto for and in the name of the city in the manner provided by the statute known as the "condemnation law,"[11] and the provisions of that statute shall apply to such proceeding. Before entering, taking or using any land for the purpose of this act, the

[10] State boards and commissions law.
[11] Code of civil procedure, §§ 3357–3384.

said common council shall cause a survey and map to be made of the lands or waters or interest therein intended to be taken or entered upon for any of the said purposes, by and on which the land, waters, or interest therein of each owner or occupant shall be designated, which map shall be signed by the mayor and city clerk and be filed in the office of the clerk of the county in which the land or water or interest therein is situated; but said common council, its employees, agents and servants, may enter upon any land for the purpose of making such survey or maps, and upon the filing of such map said common council, its agents or servants, may enter upon any land so designated for the purpose of prosecuting the construction of any necessary work. Said city shall have the right to use the soil or ground under any street, highway, public land or road within Montgomery county or any county adjoining Montgomery county and to use the said streets, highways, public lands or roads for the purpose of constructing and maintaining said water pipes, sewers, culverts, drains and conduits on condition that it shall cause the surface of such street, highway or road to be relaid and restored to its usual state and all damages done thereto repaired and such rights shall be continuous for the purpose of repairing and relaying said water pipes and sewers, culverts, drains and conduits.

§ 65. **Water rents.** The common council shall establish a scale of rents to be charged, and paid to the city treasurer from time to time either in advance, or at such time or times, as the said common council shall prescribe for the supply of water, to be called "water rents." Said water rents shall be apportioned to the lots and different classes of buildings in said city in reference to their dimensions, values, exposure to fires, ordinary and extraordinary uses for dwellings, stores, shops, hotels, factories, livery or private stables, and all other buildings, establishments and trades and other common purposes, yards, number of families or occupants, or consumption of water as near as may be practicable. The common council may from time to time, either modify, amend, increase or diminish such rents. Hotels, factories, stables and other buildings and establishments which consume extra quantities of water shall pay, in addition to the regular rents, such sums as the common council shall direct. And the commissioner of public works and such of the employees of his department as he shall direct are hereby authorized at all times to enter any building or place where water is used from supply pipes to examine as to the water, quantity used and the manner

of using it. Such regular water rents shall be collected from the owner or occupant of all such lots and such buildings, respectively, as shall be situated upon lots adjoining any street or avenue in said city, in which the distributing pipes are or may be laid and from which they can be supplied with water. The common council shall annually and on or before the fifteenth day of January of each year make a complete roll of all water rents to be assessed and levied and file the same with the city clerk where it shall remain open for public inspection for two weeks. The said common council shall immediately publish a notice twice a week for two weeks in the official papers that such roll has been completed and filed and that the said common council will meet at a time and place in said notice specified, to hear objections thereto, and the said roll shall be subject to review as other assessments in said city. The said roll of water rents shall be finally completed and adopted by said common council on or before the tenth day of February in each year and thereupon the said common council shall attach its warrant to the said roll for the collection thereof and cause the same to be delivered to the city treasurer for collection.

§ 66. **Collection of water rents.** Upon receiving the roll of water rents, the treasurer shall give notice by publishing the same twice in each of the official papers of the city, of the receipt by him of such roll and warrant, and that all persons named therein are required to pay their water rents at his office on or before the first of April thereafter, and that for one month after said first day of April two per centum fees will be charged and collected. If any water rents shall remain uncollected on said first day of April, the treasurer shall forthwith give notice to the person or persons against whom such water rents stand charged. The notice shall require said person or persons to pay such water rents to said treasurer at his office within one month thereafter with two per centum fees thereon, shall specify that after the first day of May interest at the rate of ten per centum per annum in addition will be charged until said water rent is paid. Such notice may be served and proof of the service made in the same manner as provided in section eighty-five for the service of notice and proof thereof, for the payment of the city tax. It shall be the duty of the treasurer on the first day of July to make out a roll of all the water rents which shall not have been paid and deliver said roll to the common council, which shall relevy and add the same in a separate column to the city tax roll for the current year, and the same shall be enforced and collected in the same manner, by the

same proceedings, at the same time, under the same penalties, and have the same lien upon and may be assessed as the general city tax and as a part thereof.

§ 67. **Bond.** The commissioner of public works shall give a bond as required by this act in the penal sum of ten thousand dollars, which said bond shall be filed and recorded in the office of the county clerk of Montgomery county.

TITLE VI.

DEPARTMENT OF PUBLIC SAFETY.

§ 68. **Commissioner of public safety.** The commissioner of public safety shall be the head of the department of public safety. The commissioner shall cause to be kept full and accurate accounts and records of all moneys appropriated to or expended by the said department, of all officers appointed, suspended or removed by him, of all liabilities incurred, work performed, and of all matters pertaining to the execution of his duties.

§ 69. **Rules and regulations.** The commissioner of public safety shall make such rules and regulations, not inconsistent with the provisions of this act, as may be necessary for the government and discipline of the firemen and policemen and the management of said department.

§ 70. **General powers and duties.** The commissioner of public safety shall have general control and management of the fire department and police department of said city, and shall have full power and jurisdiction and control of all the appointees and employees of said department and of all personal property belonging or pertaining thereto, including fire alarm and police telegraph and telephone system; he shall have power to locate hose carts, hook and ladder carriages, engines and other apparatus belonging to or used in the fire department; to supervise the occupancy of the real estate of said city used by the fire department and police department. He shall be the fire warden and building inspector of said city and shall perform all the duties imposed upon him in such capacity by ordinance of the common council or by the general law, and he shall enforce all the provisions of the building code as adopted by the common council. He shall also supervise the stringing of all electric wires on the streets and in the houses and buildings and see that all ordinances of the common council relative thereto are enforced. He shall have power when authorized by the common council to appoint or employ a pound master and prescribe

his duties; he shall also have power to appoint as many special policemen from time to time as he may deem necessary, to serve without compensation a specified length of time not extending beyond the first day of January following the appointment; and also appoint, in time of emergency, such number of special policemen as he may deem necessary to serve for a limited time not exceeding ten days and to fix their compensation therefor. He shall appoint the officers and members of the police department and fire department as hereinafter provided. The commissioner of public safety, or if authorized by him, the chief engineer of the fire department, may investigate into the cause of any fire and for that purpose either of them shall have power to administer oaths and to compel the attendance of witnesses by subpœna. Whenever authorized by the common council or by any ordinance adopted by it, he shall compel the owner of any wall, building, pole, tower or other structure in the city, which may be in a ruinous or unsafe condition, to render the same safe or to take down and remove the same; and in case of the neglect or refusal of such owner to render such wall, building, pole, tower or other structure safe, or to take down or remove the same after being notified so to do, said commissioner shall have power to cause the same to be taken down or removed at the expense of such owner and to cause such expense to be collected in the name of the city by action or otherwise.

§ 71. **Fire department.** The fire department of the city of Amsterdam shall consist of the chief engineer, assistant engineer, and such firemen as the commissioner of public safety shall with the consent of the mayor determine necessary, all of whom shall be appointed by the commissioner of public safety. The chief engineer of the fire department may, orally or in writing, suspend from duty any member of the department for neglect of duty or violation of the rules and regulations of the department for a period not exceeding ten days; and shall, subject to the powers of the mayor and of the commissioner of public safety, take and have control and management of all officers, firemen, property, measures and actions for the prevention or extinguishment of fires within the limits of said city, may call upon the chief of police or any member of the police force to assist in the protection of property, preservation of order and in the enforcement of all the rules for the government of the department. The chief engineer shall make a yearly report in writing to the commissioner of public safety, and more frequently when requested by him, showing the actual condition of

the property in charge of said chief engineer, a list of fire alarms, losses and insurance on all property destroyed since the last report, particular statements of the cause of said fires so far as known and such other information as he may deem important to the public interests. He shall make and keep an accurate inventory of all the property of the department and see that the same is not wasted, lost or destroyed and perform such other duties as required from time to time by the commissioner of public safety. The assistant engineer shall have all the power and authority of the chief engineer in case of his absence or inability to act. All firemen shall receive as compensation a monthly salary to be fixed by the common council of said city.

§ 72. **Fire limits.** The fire limits of the city of Amsterdam shall extend to and include such territory as the common council shall determine. The common council may from time to time enlarge the territory to be included within the fire limits. No wooden buildings of any description shall be enlarged or constructed within the fire limits except by the permission of the common council given upon and after the recommendation of the commissioner of public safety.

§ 73. **Police department.** The chief of police of said city shall, subject to the authority of the mayor and the commissioner of public safety, be the chief executive officer of the police department and superintend the same; he shall keep a record in a book of all cases and legal proceedings in his department and all services performed by him and by the several policemen of the city and of such fees as are chargeable by law to the county of Montgomery or to any town of said county; he shall also keep a book known as the property book in which he shall enter all articles taken from persons arrested or seized on a warrant or otherwise, together with the disposal made thereof; he shall once in each month, and oftener if required, report to the commissioner of public safety the state of the department and whether any members of the force are delinquent in their duties. The chief of police may orally or in writing suspend from duty any member of the department for neglect of duty or violation of the rules and regulations of the department for a period not exceeding ten days. The assistant chief of police shall discharge such duties incident to his office as may be imposed upon him by the commissioner of public safety or by the chief of police and shall, in case of the absence or inability of the chief to act, possess the power and discharge the duties of the chief of police. All policemen shall

receive for their compensation a monthly salary to be fixed by the common council of said city. The police department of said city shall consist of a chief of police, assistant chief of police, two detectives, and as many patrolmen as the commissioner of public safety may determine, but not more than one for each two thousand of the population of said city as shown and determined by the last state or federal census or enumeration; but the number of such patrolmen shall not be less than the number employed when this act takes effect. No fee or compensation, other than as in this act provided, shall be charged or received by any policeman save such reward as a policeman may be permitted to receive with the consent of the commissioner of public safety.

§ 74. **Policemen; powers and duties.** It shall be the duty of the policemen to preserve peace and good order, to enforce the ordinances, rules and regulations of said city and to execute the orders and commitments of the recorder of said city and of the courts of special sessions held in said city and to perform such other duties as the commissioner of public safety may prescribe. Any criminal warrant issued by any magistrate in said city may be executed in any part of the state by any policeman of said city according to the terms thereof. Each policeman of the city shall have the same power and authority for the collection of taxes in the city as a constable of a town has for the collection of taxes in a town, as well as that conferred by this act, and shall be subject to the same liabilities with reference thereto. The policemen of said city shall have the same power and authority in criminal cases as constables of towns possess by law.

§ 75. **Suspension and removal of members of the police and fire department.** The commissioner of public safety shall have the power to summarily suspend for not more than thirty days, pending the preferring and determination of charges, any member of the police or fire department. If a charge be made by any person against any member of the police department or fire department, that such member has been negligent or derelict in the performance of his official duties, or is incompetent to perform the same, or is guilty of some delinquency seriously affecting his general character or fitness for the office, the charge must be in writing in the form prescribed by the rules and regulations of the commissioner of public safety, and a copy thereof must be served upon the accused member. The commissioner shall then proceed to hear, try and determine the charge. The accused shall have the right to be present at his trial and to be heard in person and by counsel

and to give and furnish evidence in his defense and such trial shall be open to the public. The commissioner has power to issue subpœnas, in his name, to compel the attendance of witnesses upon any proceeding authorized by the rules and regulations of the department, and any person served with a subpœna is bound to attend in obedience to the command thereof; and the commissioner may compel the attendance of witnesses and compel them to testify in the same manner as in the case of any officer or board authorized by law to issue subpœnas and take testimony. If the accused shall be found guilty of the charge made against him, the commissioner may punish him by reprimand, by forfeiting and withholding pay for a specified time, by suspension without pay during a fixed period or by dismissal from office. If such charge be not sustained the accused shall be exonerated, his suspension removed and shall be allowed his pay during the period of such suspension.

§ 76. **Charges against county.** The commissioner of public safety is hereby authorized to charge to the county of Montgomery, or to any town therein, for services performed by any policeman in criminal proceedings such fees as are allowed to constables in towns for like services and chargeable to said county or towns, and the same shall be audited and allowed by the board of supervisors of said county or by the board of town auditors of such town, to and for the benefit of the city of Amsterdam, and shall be paid to the treasurer of said city to the credit of the general fund.

§ 77. **Bond.** The commissioner of public safety shall give a bond as required by this act in the penal sum of five thousand dollars.

TITLE VII.

THE DEPARTMENT OF CHARITIES.

§ 78. **Commissioner of charities.** The commissioner of charities shall be the head of the department of charities. He shall keep in books provided for that purpose, permanent records of each person relieved, specifying his name, residence, sex, age, nationality, cause which rendered relief necessary, amount of such relief, person ordered to furnish such relief, together with such other data as is required by law or prescribed by the mayor or common council. Such records shall be filed and preserved and shall be open for inspection at all reasonable times to any taxpayer of the city. He shall also keep full and accurate accounts and records of all moneys appropriated or expended by him, and

of all liabilities incurred on behalf of the city and of all matters pertaining to the execution of his duties. He shall, at the end of each month and at the end of each year, make a report to the mayor and to the common council of all moneys expended by his department and of all such other matters and in such form as may be prescribed by the mayor.

§ 79. **Commissioner to be overseer of the poor; general powers and duties.** The commissioner of charities shall be the overseer of the poor of the city and shall have the same power and authority and be subject to the same duties and liabilities as if said city were a town and he were the overseer of the poor thereof, except as otherwise provided for in this act. He shall have power to administer oaths and take affidavits in all matters pertaining to the duties of his office and to elicit statements of fact from applicants for relief. He shall devote his entire time to the performance of his duties. He shall have the same powers within said city in relation to bastardy proceedings as the superintendent of the poor has within the county. He shall have the general management and control of the department of charities of the city and shall be subject to the directions of the mayor and be responsible to him for the performance of his official duties; and may be summarily removed from office by the mayor at any time.

§ 80. **Employment of physicians.** The mayor shall appoint one or more physicians for one year whose duty it shall be to render medical and surgical services and attendance to the city poor and perform such other services relative thereto as the mayor shall direct; the term of office of such physician or physicians shall not, however, extend beyond that of the mayor appointing him. The common council shall fix the salary of said physician or physicians.

§ 81. **Bond.** The commissioner of charities shall give a bond as required by this act in the penal sum of five thousand dollars.

TITLE VIII.

ASSESSMENT AND TAXATION.

§ 82. **General provisions relating to assessments; description of premises.** In the assessment of any lands in the city for any purpose, it shall be sufficient to state the name of one of the owners of such lands if the owner or owners be residents of the city and known to the assessors, and also the street and number of any building thereon, but if the land be vacant or the buildings

thereon not numbered, then the name of the street on which it fronts shall be given. If the owner or owners be unknown to the assessors, or if they be nonresidents and the ownership is unknown to the assessors, then the assessment may be made to the occupant or designated as unknown and there shall be stated the number of the lot or farm lot, or the street and number of any building thereon, but if the land be vacant or the building thereon be not numbered, then the name of the street on which it fronts and a brief description of the premises shall be given. In case any uninhabited building be on the land and the residence of the owner be unknown such owner may be designated as unknown. No assessment hereafter made in this city shall be held to be invalid because the same may be made out in terms against owner or owners unknown or the estate of a deceased person (naming such person) or the executor, administrator, heirs or devisees of a deceased person (naming such person) or any of them or against a company or a firm name or against a person in whom is the record title though not the actual title of the property, or for any cause arising through ignorance or mistake as to the names of the owner or owners of the property assessed, whether individual or a corporation, provided such property is sufficiently described on the assessment-roll to reasonably identify and indicate to a person familiar with the same the particular property which it was intended to assess. No error in the name of the owner shall invalidate the assessment. During the time the assessors review any tax or assessment, they shall have power to add or insert in such assessment-roll any property liable to assessment and the valuation thereof which may have been omitted from such roll upon giving personal notice to the owner of such property or to his agent at least two days prior to adding the same.

§ 83. **Assessment for taxes.** In reference to the assessment of property within the city, the assessors shall possess all the powers conferred, be subject to all the obligations imposed and perform all the duties appertaining to the office of assessors in towns of the state, except as otherwise provided by this act. The assessors shall annually prepare an assessment-roll of the property in the city and complete and file the same with the city clerk on or before the fifth day of July in each year and they shall forthwith, upon the completion of such assessment-roll, give notice that they have completed the same and that the roll is at the office of the city clerk, where the same may be seen and examined by any person interested until a day specified in that notice, which

shall be at least fifteen days thereafter, and that on the day so specified and for two consecutive days thereafter the assessors will meet at the office of the assessors from nine to twelve o'clock in the forenoon and from two to four o'clock and seven to nine o'clock in the afternoon to review said assessment. Such notice shall be posted in at least three public places in said city at least fifteen days before such review day and shall also be published at least twice in each of the official newspapers of the city, the last of which publications shall be at least one week before the day specified in such notice. The assessors shall meet at the place and during the time specified in such notice and review said assessment in the same manner as assessors of towns are required to do under the provisions of the tax law. Upon the completion of said review, the assessors shall, on or before the first day of August, deliver the said assessment-roll with two duplicate originals thereof, each completed, signed and verified by them according to law, to the city clerk. The said assessment-rolls so filed with the city clerk shall be the rolls for the levy and collection of the succeeding city tax, and state and county tax. On or before the first day of October thereafter the city clerk shall certify one of the said duplicate assessment-rolls and transmit the same to the clerk of the board of supervisors of the county of Montgomery for the purpose of the levy of the state and county taxes as provided by law. The other of said duplicate assessment-rolls shall be the assessment-roll for the levy of city taxes as hereinafter provided.

§ 84. **Levying the city taxes and the warrant for the collection thereof.** Immediately after the filing of said completed assessment-roll with the city clerk as in the last section provided, the common council shall cause the amount authorized to be raised for all city purposes to be rated and assessed upon the property of each person, company, corporation or association appearing on said assessment-roll and to be set opposite the name of such person, company, corporation or association respectively, in a separate column of said roll, to be headed city and school taxes, in proportion to the valuation therein stated. The common council shall also relevy and add to said roll all unpaid water rents as provided by section sixty-six of this act. After said assessment-roll has been completed and the taxes thereon extended, the same shall be adopted by a resolution of the common council and filed with the city clerk and shall be the city tax roll for that year. The city clerk shall thereupon and on or before the tenth day of August make a copy of the city tax roll and deliver the same to the treas-

urer of the city with a warrant thereto attached, under the corporate seal of the city, and signed by the mayor and clerk thereof, commanding the treasurer to receive and collect from the several persons, companies, corporations and associations named in such tax roll, the several amounts mentioned in such roll. To the original tax roll remaining in the city clerk's office, the clerk shall attach a copy of the aforesaid warrant for collection of taxes, and upon delivery of the tax roll with the warrant to the treasurer, he shall take from the treasurer a receipt to be attached to the said original roll and copy of warrants, acknowledging the receipt of the same for collection.

§ 85. **Fees and proceedings of treasurer in collecting city tax.** Upon receiving said tax roll, the treasurer forthwith shall give notice by publishing the same twice in each of the official papers of the city, of the receipt by him of such tax roll and warrant, and that all persons named therein are required to pay their taxes at his office on or before the tenth day of September next ensuing. For one month after said tenth day of August, every person, company, corporation or association may pay his, her or their taxes to said treasurer without any additional charge; for one month next succeeding two per centum fees will be collected; for one month next succeeding four per centum fees will be collected. If any tax shall remain uncollected on the tenth day of October, the treasurer shall forthwith give notice to the person or persons or corporation against whom such tax stands charged. The notice shall bear even date as of the tenth day of October, and shall require said person or persons or corporation to pay such unpaid taxes to said treasurer at his office within one month thereafter with four per centum fees thereon. Such notice may be served personally upon the person or corporation to be served or by leaving the same at his, her or its residence or place of business, or by depositing in the post-office in said city, inclosed in a post-paid wrapper directed to said taxpayers respectively at Amsterdam and to his street address if known. If any of such taxpayers shall be known by the treasurer to reside in any place other than Amsterdam, then a notice shall also be mailed as above provided, directed to such other place. It shall not be necessary to make any other demand of payment of said tax. The person serving said notice shall immediately make an affidavit of such service and file it in the treasurer's office, which affidavit shall be prima facie evidence in all courts and places of the facts therein stated. From and after the tenth day of November, in addition to the

fees already provided for, interest at the rate of ten per centum per annum shall be charged on all unpaid taxes. At the expiration of the one month designated in the said notice, it shall be the duty of the treasurer to proceed without delay to issue his warrant, under his hand and the seal of the city, to any constable or policeman of the city or to as many of them as he may deem necessary, who shall be approved by the common council, commanding such officer or officers to collect the tax, fees and interest by distress and sale at public auction of the goods and chattels of the person or corporation upon whose real or personal property the tax was levied, or of any goods or chattels in his, her or their possession, wheresoever the same may be found in the city of Amsterdam or the county of Montgomery, and to pay the same to the city treasurer and return such warrant within three months after receiving the same and on or before the tenth day of February next ensuing. No claim of property made to such goods and chattels shall be available to prevent the sale thereof, except in such cases as are provided for by the general statutes of this state. Public notice of the time and place of sale of the property to be sold shall be given by posting the same in at least three public places in the city at least six days prior thereto. If the proceeds of such sale shall be more than the amount of the tax, fees, interest and expense of collection, such surplus shall be disposed of according to the provisions of the general statute known as the "tax law"[12] in cases of tax sales by tax collectors.

§ 86. **Proceedings after return of warrants.** In case any of said taxes shall remain unpaid after the foregoing proceedings have been taken, the treasurer shall make a transcript of that portion of the city tax roll and rolls for local assessments made during the year next preceding as to which the tax remains unpaid, and deliver the same to the assessors on or before the first day of March; and the assessors shall immediately review such unpaid assessments and correct all errors, except valuation; and shall make a correct and full description of the several parcels of land.

§ 87. **Completion of revised assessment-roll.** The assessors shall complete such revision within ten days, subscribe the same and forthwith cause public notice to be given that they will meet at the assessors' office at the end of ten days, at a time to be

[12] See tax law (L. 1909, ch. 62), § 71.

designated by them, to hear objections and to correct any errors which may have been made. Such notice shall be given by publishing the same at least twice in each of the official newspapers of the city, one of which publications shall be at least one week before such review day. They shall, within ten days thereafter, complete such corrections and subscribe the said revised roll and deliver the same to the treasurer. The treasurer shall add to such roll the amount of taxes thereon assessed upon the several persons or parcels of land appearing thereon, all accrued fees and interest, together with twenty-five cents for filing and one dollar for reassessing each parcel, and make and file a certified copy of said revised roll in the clerk's office of Montgomery county.

§ 88. **Proceedings by treasurer to collect unpaid taxes.** The treasurer shall retain such revised rolls in his office and shall proceed to collect all the unpaid taxes appearing thereon as follows: Whenever any such tax charged on real estate in the city, and interest thereon at the rate of ten per centum per annum, to be computed from the preceding tenth day of November, with all fees and expenses, shall remain unpaid for four months from said tenth day of February, the treasurer shall proceed to advertise and sell such real estate in the manner hereinafter provided for the payment of such taxes, fees, interest and expenses, and the expenses of advertising and selling the same shall be charged on the land sold and added to and made a part of such taxes. The treasurer shall cause to be published in the official papers of the city, at least once a week for the six weeks immediately preceding the day of sale, a list or statement of the real estate charged with the payment of such taxes, interest and fees and so liable to be sold, with the name of the record owner and a brief description of such premises, together with a notice that the said real estate will, on a day at an hour thereof, be sold at public auction, at a stated place in the city of Amsterdam, to pay the taxes, interest, fees and expenses thereon which may remain unpaid at the time of such sale. At the time and place specified in the said notice, the treasurer shall commence the sale of said real estate and shall continue the same from day to day until the whole thereof shall be sold.

§ 89. **Purchase of lands by the city.** Should there be no bid of the amount due on any lot or parcel of land to be sold, then the treasurer shall bid in the same for the city, and the city is hereby authorized to acquire said parcels. And in such case the city shall be vested with the same rights and stand in the same relation to

said purchased land as any other purchaser under this act. And the common council shall have the care and control of all such parcels and may lease or sell and convey the same. After the city shall have acquired title to any lands sold for taxes, said lands, while owned by the city, shall be exempt from all taxes.

§ 90. **Title of purchaser at sale.** The purchaser at such sale shall pay the amount of the respective bids to the treasurer at the time of the sale, and thereupon the treasurer shall execute to such purchaser a certificate in writing which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale, and that the same were sold for unpaid taxes. The purchaser and his legal representative or assigns, after the time in which to redeem has expired and the conveyance has been delivered as in this act provided, may lawfully possess, hold and enjoy for his or their own personal use and benefit and the use and benefit of his or their heirs and assigns forever, the real estate described in said certificate of sale, unless the same shall have been redeemed as by this act provided; and he and his heirs and assigns may, at any time after the time limited for the redemption of such premises shall have expired, and the notice by this act provided for has been given, and the premises shall not have been redeemed as herein provided, cause the occupant of such real estate to be removed therefrom and the possession thereof to be delivered to him in the same manner and by the same proceeding and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 91. **Redemption from tax sale.** The owner, occupant or any other person having an interest in any real estate sold for taxes as aforesaid may redeem the same at any time within two years after the date of such sale by paying to the treasurer, for the use of the purchaser upon such sale, his heirs and assigns, the sum mentioned in the certificate given to him and the interest thereon at the rate of ten per centum per annum, to be calculated from the date of such certificate, together with any tax which the holder of said certificate may have paid between the days of sale and redemption. Notice shall be given by the purchaser of any real estate sold for taxes under the provisions of this act to the occupant, owner, mortgagee, judgment creditor or purchaser upon any other tax sale of the same property, and the heirs and assigns of any or either of them, and the guardian, if any, of any infants having an interest in said real estate, at least three months before the expiration of the time for redemption fixed by this act, and the

time for such redemption shall not be deemed to have expired until three months after such notice shall have been given. Such notice shall be either written or partly written and partly printed, and shall state briefly the lot or parcel of land to be redeemed, the name of the record owner thereof, the last day of redemption, the office or place within the city of Amsterdam where the money for such redemption can be paid, and the amount of money necessary to redeem the same. Such notices shall be served personally on all persons and corporations entitled to such notice or left with some person of suitable age and discretion at the residence or place of business of all of the persons and corporations entitled to such notice for them, or any of them, residing or having a place of business in the city of Amsterdam; and in case they, or any of them, do not reside or have a place of business in said city, then such notice shall be inclosed in a post-paid wrapper addressed to them at the post-office at or nearest to their known place of residence, and in case of a corporation at or nearest their known place of business, and deposited in the post-office of the city of Amsterdam; if the residence or address of any such person or persons or corporation be not known, then such notice shall be published in the official newspapers of the city at least once a week for three weeks prior to the day named therein for redemption. The expenses of mailing and publishing such notice and of procuring a necessary abstract of title shall be added to and become a part of the amount required to be paid for the redemption of such real estate. Such notice shall not be served nor shall the publication thereof when required be commenced within eighteen months after the date of the certificate.

§ 92. **Certificate and deed to purchaser.** If such real estate, or any part thereof, be not redeemed as herein provided, the treasurer shall execute in the name of the city to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee. The treasurer shall be entitled to demand and receive from every such grantee for the use of the city the sum of two dollars for preparing such conveyance. Every such conveyance shall be executed by the treasurer under his hand and the seal of the city, and the execution thereof shall be acknowledged before a proper officer the same as other conveyances of real estate are acknowledged under the laws[13] of this state, and such conveyance shall be conclusive evi-

[13] See real property law (L. 1909, ch. 52), § 298.

dence that the sale and subsequent proceedings were regular, and also presumptive evidence that all the previous proceedings were regular, according to law and the provisions of this act. Every certificate or conveyance executed in pursuance of this act and acknowledged or proved before an officer authorized by law to take the proof and acknowledgment of deeds may be recorded in the same manner and with like effect as a deed.

§ 93. **Reimbursement to purchaser on failure of title.** Whenever any purchaser under such sale or his heirs or assigns shall be unable to recover, obtain or retain possession of any real estate conveyed to him, by reason of any irregularities or errors in the assessment of any person or property, or in the levying of any tax thereon, or in any proceeding for the collection of any tax, the common council of said city shall refund to such purchaser, his heirs or assigns, the purchase money by him paid, with interest from the time of its payment, the same to be audited and paid as other city charges.

§ 94. **Actions for collection of unpaid taxes.** Whenever any tax, including taxes and assessments for local improvements, levied or assessed on any person or property in the city, with the fees, interest and expenses, which may by law be added thereto, shall remain unpaid for six months after the warrant for its collection has been placed in the hands of the treasurer of the city, the treasurer may commence, maintain and prosecute to judgment and execution an action in the name of the city for the amount of such taxes, fees and expenses remaining unpaid and uncollected, with interest as hereinbefore provided, against any person or corporation liable for such taxes in any court of competent jurisdiction. The warrant so delivered to the treasurer shall be presumptive evidence that all the previous proceedings, including the assessing and levying of the tax, were regular and according to law. Nothing in this section contained shall be construed to repeal or abridge any other power or remedy for the collection of taxes in the city.

§ 95. **Correction of assessment-roll.** The common council shall have all the powers in relation to the city assessment-roll that boards of supervisors have or may have by statute in the case of town assessment-rolls and town or county taxes, and such powers shall be exercised in the same manner as they are or may be exercised by boards of supervisors.

§ 96. **Reassessment.** In case any tax or assessment, including taxes and assessments for local improvements, shall be void or

shall have failed in whole or in part for want of jurisdiction or for any irregularity in the levying or assessing thereof, the common council shall have the power and it shall be its duty to cause the same, or said part of, to be reassessed against the proper persons and property affected thereby, according to law, in the same manner so far as practicable, as is prescribed by law for making, levying and enforcing original taxes or assessments. If any person shall have paid on a former assessment, the same shall be credited, and in case the payment exceeds the amount reassessed, the surplus shall be refunded. In case the amount assessed for any local improvement shall be insufficient to defray the expenses of such improvement, the common council shall cause to be assessed the amount of the deficiency in like manner as other assessments of like nature are made. No action or remedy shall lie or be maintained by any one to recover upon or by reason of the payment or collection of any such original or former illegal or void assessment or tax where the new assessment or reassessment has been or shall be made as aforesaid in place thereof.

§ 97. **Surplus on sales.** Whenever any surplus shall arise upon the sale of lands for taxes, under the provisions of this act, the same shall remain in the custody of the treasurer, who shall keep a record thereof. The owner of the equity of redemption, or any other person interested in such surplus, may apply to any court of competent jurisdiction for an order distributing the same in the same way and manner as in proceedings for the distribution of surplus money in foreclosure actions. Any person making such application, or in any way sharing in the distribution of such money, shall be deemed to have waived all his rights for the recovery of the value or possession of such lands or any part thereof.

§ 98. **Warrant for collection of state and county taxes.** The city of Amsterdam shall be a tax district as provided by the general law. The board of supervisors of the county of Montgomery shall cause the assessment-roll for the county and state taxes to be corrected and extended the same as for other tax districts and to be delivered to the treasurer of said city on or before the fifteenth day of December in each year with a warrant commanding the treasurer to collect the same, and said roll shall be the tax roll of the city of Amsterdam for the state and county taxes.

§ 99. **State and county tax roll.** Upon receiving the state and county tax roll the treasurer shall give notice by publishing the

same twice in the official newspapers of the city of the receipt thereof by him, and that all persons named therein are required to pay their taxes at his office on or before the first day of February next ensuing. Until the first day of February the treasurer shall collect and receive the said state and county taxes on said tax roll without any fee therefor; after the said first day of February and until the first day of March four per centum fees shall be added to the tax and collected therewith.

§ 100. **Proceedings of treasurer in collecting state and county taxes.** If any taxes shall remain uncollected on the first day of February, the treasurer shall forthwith give notice to the person or persons against whom such taxes stand charged. The notice shall bear even date as of the first day of February and shall require said person or persons or corporations to pay such unpaid taxes to the treasurer at his office within one month thereafter with four per centum fees thereon. Such notice may be served personally upon the person or corporation to be served or by leaving the same at his, her or its residence or place of business or by depositing the same in the post-office in said city inclosed in a post-paid wrapper directed to said taxpayers, respectively, at Amsterdam, and to the street address, if known. If any of such taxpayers shall be known by the treasurer to reside in any place other than Amsterdam, then a notice shall also be mailed as above provided, directed to such other place. It shall not be necessary to make any other demand of payment of said taxes. The person serving said notice shall immediately make an affidavit of such service and file it in the treasurer's office, which affidavit shall be prima facie evidence in all courts and places of the facts therein stated. At the expiration of the one month designated in the said notice, it shall be the duty of the treasurer to proceed without delay to issue his warrant, under his hand and the seal of the city, to any constable or policeman of the city, or to as many of them as he may deem necessary, who shall be approved by the common council, commanding such officer or officers to collect the tax and fees by distress and sale by public auction of the goods and chattels of the person or corporation upon whose real or personal property the tax was levied, according to the state and county tax roll, or of any goods or chattels in his, her or their possession, wheresoever the same may be found in the city of Amsterdam or the county of Montgomery, and to pay the same to the city treasurer, and to return such warrant within one month after receiving the same

and on or before the first day of April next ensuing, and no claim of property made to such goods and chattels shall be available to prevent the sale thereof, except in such cases as are provided for by the general statutes of this state. Public notice of the time and place of sale of the property to be sold shall be given by posting the same in at least three public places in the city at least six days prior thereto. If the proceeds of such sale shall amount to more than the amount of tax, the fees of collection and the expenses of the sale, such surplus shall be disposed of according to the provisions of the general statute known as the "tax law"[14] in cases of tax sales by tax collectors of towns. The city treasurer shall make a return to the county treasurer of all unpaid state and county taxes in the manner and form provided by law; and said city treasurer shall pay over the moneys received by him as provided for in the warrant attached to said state and county tax roll.

§ 101. **Assessment for local improvement.** Whenever it shall have been determined to raise the whole or any portion of the expense for any local improvement by local assessment and the said local improvement shall have been completed, and the commissioner of public works shall have filed with the city clerk a certificate of the completion thereof, the city clerk shall at once give notice thereof to the assessors of the city, who shall forthwith assess the same, and it shall be the duty of said assessors to immediately assess the cost of such local improvement upon such portions of the real estate in said city and against the owners thereof as the assessors of said city shall deem more immediately benefited thereby. If the assessors or any or either of them be interested in property liable to be affected by such assessment or be disqualified, or from any cause incapable of acting, the mayor, by and with the consent of the common council, shall appoint a freeholder to act in his stead for that assessment only; and the person so appointed shall have the same powers and shall perform the same duties and receive as compensation the sum of three dollars per day for each day necessarily spent in the performance of such duties, and shall, before entering upon the performance of his duty, take an oath to make the assessment fairly and impartially according to his best judgment. Except as herein otherwise provided the cost of any local improvement shall be deemed to include the entire expense thereof, including inspection, assessment, publication and service of notices.

[14] See tax law (L. 1909, ch. 62), § 71.

§ 102. **Assessment-roll for local improvements.** The assessors shall make an assessment-roll and in the last column state the amount of the tax assessed opposite the name of the person, corporation, association or property assessed, and deposit the same with the city clerk, and thereupon give notice by publishing the same at least twice in each of the official papers, the last of which publication shall be at least one week before the review day, that such assessment-roll has been prepared and will remain at the office of the city clerk for a term of fifteen days from the date of such notice, during which time any person interested may examine said roll, and at the expiration of said fifteen days and on the day and hour and at the place specified in said notice, the assessors shall meet and hear any objections to the assessment, and shall decide upon the same, and if need be, alter and correct the assessment-roll, and when completed, sign and verify the same and file it in the office of the city clerk.

§ 103. **Confirmation of local assessment by common council.** Any person deeming himself aggrieved by any local assessment may, within one week after the filing of the corrected and verified roll with the city clerk, file with the said clerk written objections to and appeal therefrom, briefly stating the grounds thereof. The common council at its next regular meeting after the expiration of said one week shall proceed to hear and determine such objections and appeal, and shall either confirm such assessment or annul the same. If it confirm the same, it shall be conclusive on all parties and persons interested, and the proceedings thereafter to collect the same shall remain the same as if no appeal had been taken. In case it annul the same, the common council shall appoint three disinterested freeholders of the city, who shall proceed in like manner and for such purpose be invested with the same powers as the assessors, and who shall be commissioners to make a new assessment. They shall, before entering upon the performance of their duties, take an oath to make the assessment fairly and impartially, according to their best judgment. The compensation of such commissioners for their services shall be the sum of three dollars per day for each day necessarily spent in the performance of such duties. All the proceedings had by and before them shall be the same as provided by this act for an original assessment, including the filing of objections and an appeal therefrom.

§ 104. **Collection of local assessment.** If no appeal be taken from the first assessment-roll filed with the city clerk or if an ap-

peal be taken therefrom and such assessment be confirmed, the common council shall cause the proper warrant for the collection thereof to be attached thereto and deliver the same to the city treasurer. If an appeal be taken from such first assessment and the same be annulled, the common council, if it shall confirm the second assessment, shall cause the proper warrant for the collection thereof to be attached to the second assessment-roll filed by the commissioners, and deliver the same to the city treasurer. Whenever the assessment-roll for any local improvement shall be delivered to the city treasurer, he shall forthwith give notice by publishing the same twice in each of the official papers of the city, of the receipt by him of such assessment-roll and warrant, and that all persons named therein are required to pay their taxes to him at his office, and he shall for the first month after the publication of said notice receive the taxes thereon without fee, for the next month four per centum fees shall be collected. All sums remaining unpaid thereafter shall bear interest at the rate of ten per centum per annum. If any taxes shall remain uncollected at the end of said month first above mentioned, the treasurer shall forthwith give notice to the person against whom such tax stands charged. Said notice shall require said person to pay such unpaid taxes to said treasurer at his office within one month thereafter with four per centum fees thereon. Such notice may be served and proof of the service thereof shall be made in the same manner as provided in section eighty-five herein for the giving of notice in the collection of city taxes. At the expiration of the one month designated in the said notice it shall be the duty of the treasurer to proceed without delay to issue his warrant under his hand and the seal of the city, to any constable or policeman of the city, or to as many of them as he may deem necessary, as shall be approved by the common council, commanding such officer or officers to collect the tax and fees by distress and sale at public auction of the goods and chattels of the person or corporation upon whose property the tax was levied, according to the said tax roll, or of any goods or chattels in his, her or their possession, wheresoever the same may be found in the city of Amsterdam or the county of Montgomery, and to pay the same to the city treasurer and return such warrant within one month after receiving the same. No claims of property made to such goods and chattels shall be available to prevent the sale thereof, except in such cases as are provided for by the general statutes of this state. Public notice of the time and place of the sale of the property to be sold

shall be given by posting the same in at least three public places in the city at least six days prior thereto. If the proceeds of such sale shall be more than the amount of the tax, the fees of collection and the expenses of the sale, such surplus shall be disposed of according to the provisions of the general statute known as the "tax law" [15] in cases of tax sales by tax collectors. If any such tax shall remain unpaid after the return of said warrant the same proceedings shall be had as prescribed by sections eighty-six to ninety-four of this act, inclusive, for the collection of unpaid taxes.

§ 105. **Taxes, water rents and assessments a lien.** All taxes, local assessments and water rents assessed, levied or charged under any of the provisions of this act shall be a lien, prior and superior to every other lien or claim except the lien of an existing tax, water rent or local assessment, on the real property upon which it is levied and upon all the real estate in said city of the person taxed or assessed from the date of the delivery of the warrant for the collection thereof until paid or otherwise satisfied or discharged.

TITLE IX.

FINANCES.

§ 106. **Annual reports and estimates by boards and officers.** The commissioner of public works, the commissioner of public safety, the commissioner of charities, the city clerk, the chairman of the municipal civil service commission and the presiding officer of the board of examining plumbers, shall each deliver to the common council on or before the fifteenth day of January in each year, a report of all expenditures made or incurred by such board or department during the preceding fiscal year, showing separately by items the amount expended from each fund; the balance at the end of such year standing to the credit of each such fund; the amount which in the judgment of each such officer will need to be expended during the current fiscal year for his department, with the items thereof and the reasons therefor so far as practicable, which said estimates shall include a statement of the salaries of all their subordinates. The report of the city clerk shall include a statement of all expenditures made by or under the direction of the common council during the preceding fiscal year; the balance at the close of such year standing to the credit of each fund; an estimate of the amount of excise or liquor tax

[15] See tax law (L. 1909, ch. 62), § 71.

money which will probably be paid into the city treasury during the fiscal year; an estimate of the amount of bank tax which will probably be paid into the city treasury during the current fiscal year; a statement in detail of all judgments against the city then remaining unpaid; an itemized statement of the principal and interest on all bonded indebtedness of the city which may fall due during the current fiscal year; a statement in detail of the amount of unpaid taxes and local assessments theretofore assessed and remaining unpaid; the amount which in his judgment will probably be received by the city therefrom during the current fiscal year; all expenditures made or incurred by the city and chargeable to property owners or other persons and remaining unpaid, and the amount which in his judgment will probably be received by the city therefrom during the current fiscal year; the amount which in his judgment will probably be received by the city as fees for licenses other than excise licenses during the current fiscal year; the amount of money, if any, voted for at a taxpayers' election; a statement of the amount necessary for paying the city's share of all paving and grading done during the previous year, and an estimate of all other probable receipts and expenditures by the city during the current fiscal year, which no other officer, board or department is required by this section to include in its annual report. The common council may require further or more detailed financial reports from any of such boards, departments or from any city officer. The report and estimate of the commissioner of public works shall include in a separate heading the amount received from the collection of water rents, bills for the use of water and other income derived from the water works system during the fiscal year last passed, together with the amount expended during the last fiscal year from the water fund for all purposes in detail, and shall also under a separate heading furnish an estimate of the amounts necessary to be paid out during the current fiscal year for maintaining, repairing and extending the water system, including the proportion of salaries of city officials and employees properly chargeable to the water fund; the amount required to be deposited in the sinking fund for the requirement of water bonds.

§ 107. **Consideration of annual estimates by common council; transmission thereof to the mayor.** The common council shall, at its first regular meeting in February of each year, carefully consider the estimates submitted to it by the various city officials. The said common council shall thereupon make an estimate of

the several amounts of money which it deems necessary to provide: For the expenses of conducting the business of the city in each board, department and office thereof, and for the various purposes contemplated by this act and otherwise by law for the said fiscal year, except the expenses of the board of education and the expenses of the board of health; to pay the principal and interest on any bonded or other indebtedness of the city, falling due during the said fiscal year, except the principal and interest on bonds issued to provide for a supply of water for said city; the amount, if any, voted for at a taxpayers' election; the amount of the city's share of expenses of paving and grading during the preceding fiscal year; and the amount of any indebtedness remaining unpaid on all judgments against the city. The common council may include in its estimate such sums as may be necessary to retire any maturing bonds heretofore issued to provide for a supply of water for said city, the payment of which is not fully provided for by moneys held in some sinking fund. After said annual estimates shall have been completed, the common council shall submit the amount to the mayor with a statement, in writing, with such reasons for such estimates as it may deem proper.

§ 108. **Power of mayor over annual estimate as made by common council.** Upon the receipt by the mayor of the annual estimate submitted to him by the common council, as provided for by the last section, he shall carefully consider the same and shall have power to diminish or reject any item or items thereof but shall have no power to increase any item thereof; except the mayor shall not diminish or reject any item voted for at a taxpayers' election, or the sums lawfully payable within said fiscal year upon judgments against the city, or the amount necessary for paying the city's share of paving and grading, nor shall the said mayor increase any item for any purpose contained in said estimate. When the mayor shall have revised said estimate of the common council, he shall add thereto the amounts determined by the board of health and the board of education to be necessary for the expenses of their departments during the current fiscal year, and shall thereupon finally approve said estimate as revised by him, and shall return the same to the common council on or before the first regular meeting of said common council in the month of March of each year, with a statement of the reasons for any changes made by him in the estimates as proposed by the common council.

§ 109. **Final determination by common council of amount of annual city tax levy.** At its first regular meeting in the month of March in each year the common council shall, upon the return by the mayor of the annual estimate as revised by him, finally adopt such estimate as so revised, without making any changes therein. When the common council shall have adopted the said final estimate the same shall be entered at large in its minutes and become a part of its proceedings. The several sums estimated for expenditures therein shall be and become appropriated in the amounts and for the several departments, officers and purposes as therein specified for said fiscal year. The several sums therein enumerated as estimated revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the city and for the purposes contemplated by this act and otherwise by law, shall be and become applicable in the amounts therein named for the purposes of meeting said appropriations. The amount of estimated expenditures contained in such annual estimate so adopted by the common council, less the amount of estimated revenues applicable to the payment thereof, shall constitute the tax levy. The common council shall levy and cause to be raised by tax the amount of said levy, and the amount shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city at the time and in the manner provided by law.

§ 110. **Maximum amount of the annual city tax levy.** The amount of the annual city tax levy as finally made up, adopted and ordered levied, as provided in the preceding section, after deducting therefrom the amounts required by the board of education, the board of health, the amount voted for at a taxpayers' election, the city's portion of all paving and grading, the amount determined necessary to retire any maturing water bonds for the payment of which no sufficient sinking fund has been provided, and the amount remaining unpaid on all judgments against the city, shall not in any one year exceed in the aggregate the sum of two hundred thousand dollars, from which said sum of two hundred thousand dollars there shall be deducted the estimated revenues of the city from all sources for the fiscal year.

§ 111. **Enumeration of funds.** The amount of money raised, received, and appropriated for the various purposes of the city government shall be divided into funds in the following manner, namely: The water fund, sewer fund, street fund, fire fund, police fund, poor fund, board of education fund, health fund, sal-

ary fund, lighting fund, printing and publishing fund, election fund, civil service fund, plumbing fund, library fund, and a general fund. The moneys appropriated for any fund shall be set aside and devoted to the uses and purposes of that fund and no other, and no warrant shall be drawn for the payment of any claim against or obligation of the city unless it state particularly against which of such funds it is drawn. No fund shall be overdrawn nor shall any warrant be drawn against one fund to pay a claim chargeable to another. Whenever it shall appear to the common council that the moneys actually set apart for any given fund shall not equal in amount the appropriation for that fund, then and in that case the common council shall transfer from the general fund to such fund such an amount as will give to such fund the total amount appropriated therefor, provided that there shall be sufficient money in the general fund for that purpose. The common council may, however, transfer any surplus money from the general fund to the poor fund in case the moneys appropriated for the poor fund shall have been expended. Where a salary or other expenditure is made for the benefit of two or more funds it shall be divided and charged to such funds in proportion to the benefit received by such fund; and in auditing all claims the common council shall particularly specify the fund or funds and in what proportions to which the amount so audited shall be charged. Any claim or judgment against the city not properly chargeable against any specified fund shall be chargeable to and paid out of the general fund. All moneys belonging to and received by said city outside of the annual city tax levy shall, unless otherwise provided for, be paid to the treasurer and deposited to the credit of the general fund. All excise moneys and all moneys received from the liquor tax law or any of the provisions thereof to which the city is or shall be entitled, shall, when received by the city treasurer, be appropriated in the following manner, namely: The amount specified in the annual appropriation as set apart for the care of the city poor shall be placed in the poor fund and the balance thereof, if any, shall be placed to the credit of the general fund.

§ 112. **Power to borrow money in anticipation of tax levy.** The common council shall have power after the commencement of any fiscal year to borrow on the credit of the city, in anticipation of its revenues for that year, such amounts as may be necessary to meet expenditures actually incurred at the time of so borrowing, under the appropriations for such fiscal year, not exceeding,

however, one-half of the amount of the annual city tax levy, after deducting therefrom the amount appropriated for the board of education, the amount appropriated for the payment of the sum remaining unpaid on any judgments against the city and the amount appropriated for the payment of the city's share of paving and grading, and after also deducting the amount of revenues received by the city in said fiscal year up to the time of so borrowing. All sums so borrowed shall be repaid from the annual tax for such fiscal year when the same shall have been collected.

§ 113. **Water fund.** The amount received from the collection of the water rents, bills for the use of water and other income derived from the water works system shall be kept in a separate fund and called the water fund. The said fund shall be applied only for the following uses and purposes:

First. For the payment, when due, of the interest on bonded or other indebtedness incurred or owed for water purposes.

Second. For the creation and maintenance of a sinking fund to meet the redemption of all bonds hereafter issued for water purposes, including bonds reissued or refunded, by setting aside annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity, and also for the purpose of making the payments required by law into the sinking funds which have been heretofore created for the purpose of redeeming bonds issued to provide for a supply of water.

Third. For the expenses of repairing, maintaining and increasing the water works system and for the necessary charges and expenses incident thereto.

Fourth. All surplus funds remaining after the above payments have been made shall be deposited in a distinct fund which shall be known and designated as "Water Surplus Fund," according as and at such times as the common council may direct subject to the qualifications hereinafter stated. The sinking fund shall be invested by the city treasurer, under the direction of the common council, subject to the approval of the corporation counsel in the name of the city in bonds of the United States, of the state of New York or of any city of this state and shall be separately kept and known as the "Sinking Fund" and shall not be used in any manner other than for the specified purposes for which it shall have been provided. Such sinking fund, however, shall not be invested in the water bonds of the city. The common council may, upon the joint certificate

of the commissioner of public works and the mayor as to the necessity thereof, increase the amount to be expended from the water fund as stated in the annual estimate to an amount not exceeding the sums derived from the water rents and other water income during the current fiscal year after the payments properly applicable to interest and the sinking fund set forth in subdivisions marked "first" and "second" of this section shall have been made. The common council shall, at its first regular meeting in the month of June in each year, determine what disposition shall be made of the surplus water funds remaining on hand on December thirty-first of the previous year, and shall direct that the same shall be paid either into the water surplus fund or shall be used for the expenses of the water department during said current fiscal year, upon the certificate of the commissioner of public works and the mayor as herein provided. The amount deposited in the surplus water fund may be accumulated to meet any emergencies or extraordinary expenditures in connection with the water system and may be appropriated by the common council for such purposes at any time upon the joint certificate of the commissioner of public works and the mayor as to the necessity thereof.

§ 114. **Issuance of bonds.** The common council, by a vote of two-thirds of its members elected, shall have power to borrow money for the purpose of paying, reissuing or refunding the whole or any part of the water bonds of the city of Amsterdam, when the same shall fall due and sufficient funds for their payment are not on hand and applicable thereto, and shall make, execute and deliver new bonds or other obligations to secure the payment of said loan. The common council shall also have power to borrow such sums as shall have been authorized by a majority vote at the taxpayers' election held as provided for in this act, and may make, execute and deliver bonds or other obligations to secure the payment of said loan. All bonds of said city issued as provided by this section, for whatever purposes, shall be advertised and sold by the mayor, corporation counsel and city treasurer. They shall cause to be published in the official papers of the city, daily for not less than five successive days, Sundays excepted, a notice containing a description of the bonds to be sold, the manner and place of sale and the time when the same shall be sold, or the time limited for the receipt of sealed proposals, which shall not be less than ten days from the first publication of said notice. When bonds are sold under sealed pro-

posals, no proposal shall be opened until one hour after the time limited for the receipt thereof has elapsed, and all proposals shall be opened in public. Award shall be made to the highest bidder. At any sale of bonds either by auction or under sealed proposals, the mayor, corporation counsel and treasurer, or a majority of them, may reject all bids and readvertise if in their opinion the price offered is inadequate. All said bonds or other obligations shall be issued in the name of and under the seal of the city, upon such terms of credit and at such rate of interest as the common council may determine; and all such bonds shall be signed by the mayor and city clerk and shall be delivered to and countersigned by the treasurer, who shall receive and deposit the proceeds therefrom to the credit of the proper fund, to be used only for the purpose for which said money was borrowed. A record of said bonds shall be kept as provided by general law and no bond or other obligation shall be disposed of at less than its par value. All such bonds or other obligations and the interest therein shall be a valid liability against the city and the credit of the city is pledged for the payment of the same. A sinking fund shall be created on the issuance of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity.

§ 115. **Taxpayers' election.** Whenever it shall have been determined that a taxpayers' election should be held, the common council shall, by resolution, call the same and in their resolution they shall state the objects for which the said election is to be held and the amount which it is proposed to raise and the purpose for which the money will be expended, and whether moneys so proposed to be raised shall be included and raised in the next city tax budget or whether the said amount should be borrowed upon the credit of the city and bonds or other obligations issued therefor. The common council shall thereupon give notice of such election by publishing the same in the official newspapers at least once in each week for two successive weeks immediately preceding said election. Such notice shall contain a copy of said resolution and shall specify the time and places for holding the polls of said election. The common council shall designate in said notice the places, which shall be not less than three in number, for holding said election, and they shall appoint three inspectors as a board of inspectors, from among the regular inspectors of election of said city, for each poll of said election. Said inspectors shall take the

oath required by law to be taken by inspectors at a general election and they shall have the same powers and perform the like duties as said last mentioned inspectors in so far as the same are applicable. Every citizen who is a resident of said city, of the age of twenty-one years or over, whose name shall be on the city tax roll next preceding said election, as owner, executor, administrator, guardian or agent and upon whose property or upon whom as the owner or possessor of property, a tax has been assessed and imposed in and by said roll and no other person or persons whatever shall be entitled to vote at said election. The common council shall have power to determine and in said notice shall specify the election district for each polling place. Each such board of inspectors of election at each polling place on the day and at the places specified and from twelve o'clock noon until eight o'clock in the evening, and in the same manner provided by law for holding general elections in said city, as far as may be, shall proceed to receive the ballots of the persons qualified to vote at the said polling place and who are residents of the prescribed election district for which the said poll is held. Ballots of two kinds for the use of the voters shall be provided by the common council, one containing the words "for the proposed expenditure (specifying the amount and general purpose thereof)", and the other containing the words "against the proposed expenditure (specifying the amount and general purpose thereof)". If there shall be more than one proposition submitted, there shall be ballots for each proposition separately marked on the outside to identify and distinguish them. If any person offering to vote at such election shall be challenged as to his or her right to vote thereat, by any other person entitled to vote at such election, one of the inspectors shall tender to him or her the following oath: "You do swear (or affirm) that you are a citizen and a taxpayer of the city of Amsterdam and a resident of this election district and that you are of the age of twenty-one years and have not voted at this election." If the person offering to vote shall take such oath and shall be named and assessed upon said roll as aforesaid, the vote shall be received; otherwise such vote shall be refused. All the provisions of law for punishing false swearing and fraudulent voting at the general election, so far as the same can be applied, and for preserving order at the polls, shall be applicable to said taxpayers' election and the proceedings thereat. The said inspectors shall canvass the votes received at said election immediately after the closing of the polls and make duplicate certificates under their

hands, stating the whole number of ballots received on each proposition submitted, the number for each proposition submitted and the number against each proposition, and return one certificate to the city clerk and the other to the mayor within twenty-four hours thereafter. The said certificates received by the clerk shall be delivered by him to the common council at its next regular meeting or at a special meeting called for that purpose and it shall cause the result of said election as appearing by said certificates to be determined and entered in its minutes and shall declare according to the fact whether such proposition or propositions were carried or not and whether a majority of the votes cast were cast in favor of or against such proposition or propositions and such declaration shall be conclusive evidence of the facts they shall declare. The date of any taxpayers' election shall not coincide with that of any other general or special election.

TITLE X.

THE SCHOOL DISTRICT.

§ 116. **City and school district.** All the territory included within the boundaries of the city of Amsterdam shall constitute a separate school district within this state, and shall be designated as "The school district of the city of Amsterdam." It may bear such other or additional designation as the superintendent of public instruction of this state may by law prescribe. Such district shall be entitled to all the rights, powers, privileges, public moneys and other benefits conferred by law or other state authority upon school districts, and shall be subject to all the rules, regulations, powers of inspection and superintendence prescribed by law applicable to school districts in cities, except as otherwise hereinafter prescribed.

§ 117. **Board of education.** The affairs of said school district of the city of Amsterdam shall be managed by a board composed of one member to be elected from each ward of said city, and two members to be elected from the city at large, which board shall be a body corporate and shall be known and designated as the "Board of Education of the City of Amsterdam." The two members from the city at large shall not be residents of the same ward in said city. Said board shall possess all the powers conferred and discharge all the duties imposed by this act or by any general law of this state relating to school districts in cities or

relating to the boards of education of such districts, and not inconsistent with the provisions of this act.

§ 118. **Title to school property.** The board of education shall have the power, subject to the provisions of this act, to purchase, take, lease, hold or improve any real or personal estate for the support and maintenance of public schools or for any purpose of education in said city in trust, however, for the school district of the city. It may also take by gift, grant, bequest or devise and hold any real or personal estate in trust for any purpose of education or art, or for the purchase, support or maintenance of public libraries in said city upon such terms as may be prescribed by the donor or donors and accepted by said board of education, and it may execute any trust for any purpose aforesaid and provide for the proper execution thereof.

§ 119. **School elections.** The annual election for school officers in said city shall be held on the second Tuesday of September in each year, and there shall be elected each year at such election members of the board of education to succeed those members whose terms of office shall expire during said year and such other members as may be necessary to fill vacancies that may have occurred during the preceding year for the unexpired term of any member whose office shall have become vacant. Public notice of every annual or tax election held under this act shall be given by said board of education of the city of Amsterdam, by notice, signed by its president and clerk, which notice shall be published in the official newspapers of said city, at least once in each week for three consecutive weeks immediately preceding such election. The board of education shall, each year, designate at least three polling places, in as many separate wards, at which such annual election shall be held, and the particular wards for which each polling place shall serve, and the same shall be set forth in said notice, as well as the officers to be elected thereat, together with the terms for which they are to serve, respectively. The clerk of the board of education shall, each year, and at least ten days before the date of such annual election, notify the inspectors of election of the election districts in which each of said polling places are situated, by notice mailed to each of them in the post-office of said city, of every such election, and the polling places designated by said board. The inspectors in each of said election districts shall preside and conduct said annual election, at the places of their respective districts, designated as aforesaid, and their powers and duties in respect thereto shall be determined and regulated by the

provisions relating to the holding of the general city elections for city officers, except as modified by this act. All elections shall be opened at each polling place at three o'clock in the afternoon, and shall be kept open without intermission or adjournment until seven o'clock in the afternoon, when the same shall be finally closed, and the inspectors shall forthwith without intermission or adjournment, canvass all votes cast, declare and make a statement of the result, as required in the general city elections, and shall forthwith file such statements of the result with the clerk of the board of education of said city. Every inhabitant of said city qualified to vote for school officers, under the general school laws[16] of this state shall then and there be entitled to vote at such election; but no such inhabitant shall vote at any polling place, except that designated for the ward in which he or she may reside at the time of offering such vote, and shall have resided for at least thirty days immediately prior to such election, and except at the polling places designated by said board, at which an election shall be held, for the election of a trustee or trustees, by the city at large, and at the polling places designated by said board at which the electors will vote for or against the "school tax" as provided in section one hundred and twenty-three herein.

§ 120. **Organization of board.** On the day following such school election the board of education of said city shall convene at eight o'clock in the evening, at its regular place of meeting, and all the certificates of the votes cast at each of the polling places designated as aforesaid, shall be produced, and said board of education shall forthwith proceed to canvass such certificates, declare the result thereof, and make a certificate in writing of all those who were duly elected at said election, and shall immediately file a duplicate thereof, signed by the president and clerk, in the office of the city clerk. The persons so elected shall thereupon take the constitutional oath of office, and the board of education of the city of Amsterdam, as constituted for the preceding year, shall be dissolved and the board of education composed of the persons so declared elected and those whose terms of office shall not have expired shall then organize, by electing one of their number president, and a resident of the city, not of their number, clerk of said board, who shall hold office during the pleasure of said board and whose compensation shall be fixed by such board. The clerk shall keep an accurate record of the proceedings of said

[16] See education law (L. 1909, ch. 21, as generally revised and amended by L. 1910, ch. 140), § 203.

board, and shall perform such other duties as the board may prescribe. A majority of the board of trustees of said board of education shall constitute a quorum for the transaction of business. The members of said board shall receive no compensation, directly or indirectly, for their services.

§ 121. **General powers and duties of board of education.** Subject to the provisions of this act, the board of education of the city of Amsterdam shall have power and it shall be its duty:

(a) To provide a place for its meetings and adopt such rules and regulations for the conduct of its business as it may deem advisable.

(b) To establish and organize in said city such schools, and night schools, as said board shall deem requisite and expedient, and to change or discontinue the same at its discretion.

(c) To establish and maintain, whenever it shall be deemed expedient so to do, within the limits of the school district hereby created, a high school, to which graduates from the said schools of said district shall be admitted for a course of instruction to be regulated by the board of education.

(d) To alter, improve and repair schoolhouses and appurtenances, hire rooms for school purposes as may be deemed advisable, and when authorized by a vote of the qualified voters of the school district, to sell and dispose of, or purchase, schoolhouses, lots or sites.

(e) To purchase, exchange, improve and repair school apparatus, books, furniture and appendages, and to defray the necessary expense attending the same.

(f) To insure the schoolhouse or houses and their furniture, apparatus and appendages, and the school library, in some company or companies created by or under the laws of this state, and to comply with the conditions of the policy and policies, and raise the sum or sums paid for the premium or premiums by tax in like manner as other moneys are raised for school purposes.

(g) To have the custody and safe keeping of the school buildings, lots, outhouses, books, furniture and appendages, and to see that the ordinances and by-laws of said city in relation thereto are enforced, and any violation thereof punished.

(h) To contract with and employ a superintendent of instruction for said city, and fix his compensation, to contract with and employ all necessary teachers for the schools of said city, and at pleasure to remove them or any of them, or the superintendent of instruction, under such rules and regulations as may be estab-

lished by law, or by the department of public instruction of this state.

(i) To pay the salaries of superintendent and teachers out of any moneys appropriated or provided by law for that purpose.

(j) To defray the necessary contingent expenses of said board and said district, including the wages of clerk, janitors, truant officers and other assistants and employees, and incidental expenses.

(k) To expend all moneys raised by virtue of this act, for purchasing sites, erecting or enlarging schoolhouses, or for other purposes, in such manner as may be deemed advisable, but only for the purpose for which the same was raised, and the expenditures herein directed apply only to school property located within the boundaries of the city of Amsterdam, outside of which the board of education hereby created has neither authority nor jurisdiction.

(l) To make provision for the instruction of pupils in physiology and hygiene with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system.

(m) To license, upon the recommendation of the superintendent of instruction of said city, subject to the regulations prescribed by the department of public instruction of this state in relation to the examination of persons in regard to their qualifications to teach, all teachers employed in the schools of said city.

(n) To take and appropriate land and other real property within said city for the site of schoolhouses, or for other school purposes, when authorized to do so, upon making compensation therefor in cases where the owners thereof, or some of them, shall not consent to sell the same for such purposes, or the board of education of the said city cannot agree with such owner or owners, or some of them, upon the price or value thereof, as real property for public use, is taken under and pursuant to the laws of this state. The board of education of said city is hereby authorized and empowered to institute, carry on and complete the proceedings necessary for acquiring said land, and the title thereto, for and on behalf of said school district. The method of procedure to acquire such land shall be that prescribed for the condemnation of real property for public use in title one of chapter twenty-three of the code of civil procedure, and any amendments thereof, entitled "proceedings for the condemnation of real property" and known as the "condemnation law." [17]

[17] Code of civil procedure, §§ 3357–3384

(o) To have to the exclusion of all boards and officers, except the superintendent of public instruction of this state and the board of regents of this state, the entire supervision and management of the public schools in said city, and the right from time to time to adopt, alter, modify or repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one schoolroom or schoolhouse to another, for their advancement from class to class as their degrees of scholarship shall warrant, and generally for the promotion of the good order and prosperity of said school.

(p) To allow the children of persons not resident within said city to attend any of the schools therein under the control of said board, upon such terms as said board may prescribe.

(q) To establish and maintain a school library and to provide suitable rooms therefor, to employ and pay a librarian, to have the care and supervision of the books and other publications belonging thereto, and supervise the letting out and return thereof. To exercise the same discretion as to the disposition of the moneys provided by law for the purpose of libraries as is conferred upon the inhabitants of school districts.

(r) Except as otherwise provided by this act to exercise all the powers conferred upon the inhabitants of school districts at school district meetings. And except as otherwise provided by this act, to exercise all the powers conferred and all the duties imposed by the general laws of this state applicable to boards of education in cities. The records of the proceedings of said board or a transcript thereof, certified by its president and clerk, shall be received in all courts or places as prima facie evidence of the facts therein stated.

§ 122. **Estimate of school expenses.** On or before the fifteenth day of January in each year, the board of education shall prepare a statement of such sums of money as it may deem necessary for the following purposes, for the year beginning on the next succeeding first day of August:

(a) For the wages of superintendent and teachers, after applying all the public school and other moneys applicable thereto.

(b) For the maintenance of a high school, and the payment of the teachers thereof after applying such of the public school and other moneys as may be applicable thereto.

(c) For the repairs of schoolhouses, outhouses and grounds, with their appendages and appurtenances.

(d) For the purchase, repair, or improvements of school apparatus, books, furniture and fixtures.

(e) For the purchase, maintenance and care of the school library, but not to exceed four hundred dollars in any one year.

(f) For the rent of schoolhouses and rooms for school purposes, the purchase of fuel and lights, and to pay the contingent expense of the district, including the wages of clerk, janitors, truant officers, and other assistants and employees, and incidental expenses.

(g) For such other purposes as are required by the provisions of this act. Such statements shall, within the time hereinbefore specified, be presented to the mayor or acting mayor of said city, and if he approve such statement, he shall sign it, and immediately file the same with the city clerk; if he does not approve any item therein, except the items hereinafter mentioned, which he can not disapprove, he shall within two days return the same to the president or clerk of said board of education with his objections indorsed thereon or annexed thereto. The mayor or acting mayor of said city shall not have power or authority, however, to disapprove or veto any part, portion or item of such statement which specifies the amount of money deemed necessary for the payment of the salary and wages of the superintendent and teachers of said schools and the payment of the contingent expenses of said schools, but said board of education shall have the exclusive power and authority to fix and determine the amount of money necessary for the payment of said salary, wages, and contingent expenses. Said board shall then proceed to reconsider said statement, and if two-thirds of all the members then in office agree to pass the same, it shall stand as if approved by the mayor and shall be immediately filed with the city clerk. If two-thirds of the members of said board do not agree to sustain the statement as made, it shall be modified so as to conform to the views expressed by the mayor in his objections, and he shall then sign it and file it with the city clerk. If the mayor or acting mayor fails to sign the statement of moneys required, as herein provided, or fails to return such statement, with his objections thereto, to the board of education, within two days after its submission, said statement shall be filed with the city clerk in the same manner as if it had been approved. When such statement is filed with the city clerk, the common council of said city shall include the amount therein called for in the annual tax and assessment-roll for that year, and the amount so certified shall be collected and paid to the city treasurer who shall credit it to the general school fund of the board of education. All public

moneys or public funds belonging or appropriated to the use of said district shall be paid to the treasurer of said city, who shall keep the same separate from the general fund of the city, and shall credit to the board of education fund the moneys or property belonging thereto. The board of education shall disburse all the funds of the said district by orders upon the city treasurer, signed by its clerk and countersigned by its president. Said orders shall be numbered consecutively, and shall specify the purpose for which they are drawn, persons to whom payable, and the particular school fund to which they are chargeable. Upon the request from said board of education the city treasurer shall certify from time to time the balance remaining to the credit of said school fund or each separate fund thereof. Whenever any moneys are collected by or paid to the city treasurer for school purposes it shall not be lawful for said treasurer to apply such money, or any part thereof, to any other purpose or object.

§ 123. **New sites and buildings; issue of bonds.** When the board of education shall determine by resolution that it is necessary to purchase any site or any addition to any site or erect any school building or enlarge any school or any building already erected, it shall specify in such resolution the ward within which such site is to be purchased or building erected or enlarged and the particular sum required for each separately. The clerk of the board of education shall embody such resolution in a notice of election which he shall cause to be published in the official newspapers at least once in each week for three consecutive weeks immediately preceding the annual election for school officers in said city. The board of education shall provide at the proper time sufficient printed ballots for and against said tax for the use of the electors, which shall be indorsed "school tax," and shall be deposited in a separate ballot-box provided therefor and marked "school tax." Upon the inside of such ballots shall be printed the several items or objects to be voted for or against. Separate ballots shall be provided for and against each separate proposition to be voted upon. The inspectors of election shall canvass the said votes and make a statement thereof in respect to each item voted upon, and immediately file the same with the clerk of the board of education. Within three days following such election the board of education shall convene at its usual place of meeting at eight o'clock in the evening, and the statement from each polling place shall be produced, and the board shall forthwith declare and make a certificate in writing of the result. In case

a majority of the votes cast be in favor of any said taxes, the board of education shall have authority to borrow, upon the faith and credit of said city, the aggregate of the items having such majority, or any part thereof, at any time before and until the same can be provided for according to law. In case the sum or sums so authorized to be raised shall exceed the sum of ten thousand dollars, the board of education shall issue bonds or other evidence of indebtedness in such form as it may prescribe for such sum or sums at a rate of interest not exceeding five per centum per annum and payable at the rate of not more than ten thousand dollars of principal per year. Said bonds, or any part thereof, may be sold by said board of education in such manner as it may deem best, but not at less than the par value thereof. The board of education shall, on or before the fifteenth day of January in each year, file with the mayor a statement of the amount necessary to be raised to pay the interest and principal that will become due during the ensuing year upon the bonds or obligations so issued by said board, and the common council shall include the same in the annual city tax and assessment-roll for that year. Such amount shall be collected and paid to the city treasurer and by him credited to the "board of education fund." The common council, upon receiving the certificate of the result of any such election from the board of education, at which any money was voted to be raised, shall include ten thousand dollars of the amount so authorized to be raised, or any less sum which may have been so authorized, in the next levy and assessment-roll for the collection of taxes in said city; but no bonds or other obligations shall be made to mature at such time as will make the amount to be raised by tax for this purpose in any one year exceed ten thousand dollars of principal. This shall not be construed to affect any obligation made prior to the passage of this act. The board of education, after completing the work or other objects for which the said money may have been raised, may apply any unexpended balance which may remain to any object authorized or contemplated by this section. The polling places for said election shall be designated and said election shall be conducted in the same manner as provided in section one hundred and nineteen of this act relative to annual school elections, except as in this section otherwise provided.

§ 124. **Annual report.** It shall be the duty of the board of education, on or before the first day of August, in each year, to make and publish in the official newspapers of said city a de-

tailed report of the manner in which it shall have expended the money provided for and appropriated to school purposes, from any source during the last fiscal year of said board of education, also a full statement of the bonded or other indebtedness of the district. The said board may also, as soon thereafter as practicable, make and publish, in such form as they consider advisable, such other and more extended report in relation to the affairs of the schools of said city as in their judgment may be of interest to the inhabitants thereof. Said board of education shall also make a report to the superintendent of public instruction of this state, and such report shall be made in the manner, and at such times, as he may direct.

§ 125. **Public moneys.** It shall be the duty of the superintendent of public instruction of this state to apportion for the use of the board of education of the city of Amsterdam, such portions of the school library and other money as it shall be entitled to, by its annual report, in the same manner in which such moneys are apportioned to cities and the amount to which it shall be so entitled shall be certified to the county treasurer of Montgomery county. The said county treasurer of Montgomery county shall pay over to the treasurer of the city of Amsterdam, for the use of the board of education of said city, such proportion of the school, library and other public moneys as may be apportioned by law or by the superintendent of public instruction of this state to the board of education of the city of Amsterdam, for teachers' wages, library and other school purposes.

§ 126. **Ordinances.** The common council of the city of Amsterdam shall have the power, and it shall be its duty to pass such ordinances and by-laws as the board of education of said city shall report as necessary for the protection, safe keeping, care and preservation of the school buildings and other property of said district, and to impose such penalties for the violation of the same as it shall deem proper.

§ 127. **Vacancies.** All vacancies in the board of education occasioned by the resignation, refusal to serve, death or removal of any of its members, shall be filled by appointment by said board until the next regular school election, when the residue of the term, if any, shall be filled by election, as hereinbefore prescribed.

§ 128. **Superintendent of instruction; general duties; report.** The superintendent of instruction of the city of Amsterdam shall confer with and act under the direction of the board of education of said city in performing the duties of his office. He shall,

subject to the direction of said board, have general control and supervision of the public schools and the teachers thereof in said city, and shall on or before the third day of January, in each year, report in writing to the board of education as follows:

The whole number of schools within the jurisdiction of the board of education and their sanitary conditions; the repairs or alterations, if any, that are necessary for such schools; the condition of the school furniture, apparatus and books in the several schools, and the repairs or additions thereto that may be necessary; the number of teachers employed in the several schools, and their efficiency, with suggestions as to the increase or decrease in the number thereof; number of pupils registered at each school and the average daily attendance; such changes in the curriculum of any or all of the schools as he may deem advisable; as to the condition and management of the high school; such other information in relation to the city schools as may be of interest to the people of the city of Amsterdam.

§ 129. **School district a union free school district.** The school district of the city of Amsterdam is hereby declared to be a union free school district under the laws of this state relating to public instruction. All provisions of law not inconsistent with the provisions of this act applicable to school districts whose limits correspond with any incorporated city and the boards of education therein and the corporate authorities of such cities, are made applicable to the school district of the city of Amsterdam and the board of education thereof and to the corporate authorities of said city.

TITLE XI.

CITY COURT.

§ 130. **City court.** There is hereby established an inferior court of civil jurisdiction in the city of Amsterdam to be called "city court of Amsterdam," with the jurisdiction and powers hereinafter conferred.

§ 131. **Jurisdiction in civil actions and proceedings.** Except as limited by the next succeeding section the city court shall have the jurisdiction of the following civil actions and proceedings, namely:

1. An action to recover damages upon or for a breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed one thousand dollars.

2. An action to recover damages for a personal injury as defined

by the code of civil procedure or an injury to property, where the sum claimed does not exceed one thousand dollars.

3. An action or proceeding to recover a fine or penalty not exceeding one thousand dollars, or to recover one or more fines or penalties for violations of an ordinance or ordinances of the city of Amsterdam where the amount claimed does not exceed one thousand dollars.

4. An action upon a bond conditioned for the payment of money, where the sum claimed to be due does not exceed one thousand dollars, the judgment to be rendered for the sum actually due; where the sum secured by a bond is to be paid by instalments, an action may be brought for each instalment as it becomes due.

5. An action upon a surety bond, taken in said court, or by a justice of the peace.

6. An action upon a judgment rendered in any court which is not a court of record.

7. An action to recover one or more chattels with or without damages for the taking, withholding or detention thereof, where the value of the chattel or all chattels stated in the affidavit made on the part of the plaintiff, or in the complaint if no affidavit is made, does not exceed one thousand dollars.

8. To render and enter judgments upon the confession of the defendant or defendants, as prescribed in title six, chapter nineteen, of the code of civil procedure, where the sum confessed does not exceed two thousand dollars.

9. An action for damages for fraud on the sale, purchase or exchange of personal property, where the damages claimed do not exceed one thousand dollars.

10. Summary proceedings under title two of chapter seventeen of the code of civil procedure, and the application for the removal of a person from real property in such proceedings, may be made to the city judge as is provided in section twenty-two hundred and thirty-four of the code of civil procedure, and the procedure before the city judge and in the city court shall be as is prescribed by said title.

11. In an action commenced by attachment where the debtor's damages do not exceed one thousand dollars; the practice and procedure in such actions to be as provided in sections twenty-nine hundred and five to twenty-nine hundred and eighteen of the code of civil procedure.

12. In actions and proceedings for the enforcement of the

liens of mechanics and others, where the amount of the lien does not exceed the sum of one thousand dollars, the same proceedings to be had as are provided by law to be had in a justice's court.

13. In any other civil action or proceeding of such character that the justices of the peace of towns would have jurisdiction thereof, wherein the sum sought does not exceed one thousand dollars.

14. The proceedings in actions of bastardy brought by or on the part of the proper authorities authorized to institute such proceedings, and such proceedings shall be governed in all matters of practice, including appeals and in all proceedings therein and relating thereto, by the provisions of the code of criminal procedure,[18] and in all such proceedings the city judge shall sit as a court, and it shall not be necessary for him to associate with him in the disposition of such cases any other magistrate.

§ 132. **Not to take cognizance of certain actions.** The city court shall not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question, as is prescribed in title three of chapter nineteen of the code of civil procedure, and when such question arises, the pleadings and practice shall be as are provided by law for courts of justices of the peace in towns in regard thereto.

2. When the action is to recover damages for false imprisonment, libel, criminal conversation, seduction or malicious prosecution.

3. Where in matters of account, the sum total of all the accounts of both parties, proved to the satisfaction of the court, exceeds two thousand dollars.

4. Where the action is brought against an executor or an administrator as such, except where the amount of the claim does not exceed the sum of one hundred dollars, and the claim has been duly presented to the executor or administrator and rejected by him.

§ 133. **Counterclaims.** Where the defendant in an action to recover damages upon or for a breach of contract neglects to interpose a counterclaim consisting of a cause of action in his favor to recover damages for like cause, which might have been allowed to him upon the trial of the action, and which does not exceed one thousand dollars, he and every person deriving title thereto

[18] See §§ 838–886.

are forever thereafter precluded from maintaining the action to recover the same or any part thereof. In cases provided for in section twenty-nine hundred and forty-nine of the code of civil procedure, if the amount of the counterclaim established exceeds the amount proved by the plaintiff, the defendant must have judgment for the excess, or so much thereof as is due from the plaintiff, unless it is more than the sum of one thousand dollars, and if it be more than one thousand dollars, the city court must pursue the same course in reference to the same as in said section provided for a case in which it is more than two hundred dollars.

§ 134. **Jurisdiction.** Said court shall have the same jurisdiction over the persons of defendants as is now possessed by justices' courts of towns, pursuant to the provisions of section twenty-eight hundred and sixty-nine of the code of civil procedure, and for the purpose of conferring jurisdiction of the person, the said city of Amsterdam shall be deemed a town, and said court a justice's court thereof; said court shall have territorial jurisdiction within the county of Montgomery as justice's courts of towns; all process and papers issued out of said city court may be executed and served anywhere within the county of Montgomery; and all process and papers issued by the said court may be served by any constable within said county or by the sheriff of said county or any of his deputies.

§ 135. **Summons and procedure.** The summons and the time when the same shall be returnable, and all other process, the service of process, appearances, practice, pleadings, exhibiting accounts or demands, amendments, adjournments, trial by court or jury, obtaining jury, offers to compromise, offers of judgment and the effect thereof, judgment by confession or otherwise, and the rendering and docketing of the same, appeals, fees, costs, disbursements, and the imprisonment and discharge of judgment debtors, shall in all matters, except as herein provided, be governed by the provisions of the code of civil procedure for justices' courts, except that section twenty-eight hundred ninety-three of the code of civil procedure shall not apply to or govern proceedings in the city court.

§ 136. **Service of papers.** The summons or summons and complaint may be served by any person qualified to serve such papers in an action in a court of record, and when service is made by any person other than a constable, proof of service shall be made in the same manner as such proof is made in a court of record.

§ 137. **Form of summons.**

County of Montgomery, city of Amsterdam. **In the city court** of the city of Amsterdam,— ss.:

To defendant:

You are hereby summoned to appear in and before the city court of Amsterdam, at..... (place) on the..... day of..... (month) 19.., at..... o'clock, in the noon, to answer the complaint of in a civil action.

WITNESS, Hon....., city judge of Amsterdam, this day of, 19.....

City Judge.

§ 138. **Appearance of parties.** Actions and proceedings in said court shall be instituted, prosecuted or defended only by the party thereto in person or by and through an attorney and counselor-at-law of the supreme court of this state.

§ 139. **Adjournments.** At the time of joining issue, or at any other time, the court may adjourn any case coming before it, on its own motion, not exceeding ten days. The court may in its discretion, upon the consent of all the parties who have appeared therein, or upon the application of the plaintiff, where there are no appearances, adjourn any action or special proceeding coming before it, or hold the same open, for such time as shall seem advisable to the court. The court must, upon the application of the plaintiff, grant a second or subsequent adjournment of the trial of the action, upon proof, by his own oath or otherwise, to the satisfaction of the court, that he cannot safely proceed for want of some material testimony or witness, and that he has used due diligence to obtain the testimony or witness. If the defendant has been arrested a second or subsequent adjournment shall not be made without the consent of the defendant. But the court may, as a condition of granting such second or subsequent adjournment, require the plaintiff to pay to the defendant the legal fees of defendant's witnesses, duly subpœnaed for that day, and not exceeding two dollars in addition thereto, or such part of such additional sum as he may deem just.

§ 140. **Pleadings.** The pleadings in said court shall be in writing whenever the city judge shall so require, except that where the defendant appears the pleadings must be in writing. No pleading in said court shall be drawn or prepared by the city judge

nor shall said judge assist in the drawing or preparation of any of such pleadings. The complaint may be verified in the manner and with the same effect as provided by the code of civil procedure[19] for the verification of complaints in courts of record, and in an action commenced by summons may, at the option of the plaintiff or his attorney, be served therewith. When the complaint is so verified, the subsequent pleadings, excepting a demurrer, and the answer of a guardian ad litem for infant defendant, shall be likewise verified, as in a court of record and in default whereof they shall be disregarded. In all actions specified in section four hundred and twenty of the code of civil procedure, where the complaint is so verified and a copy of the same is served with the summons, and defendant fails to answer said complaint as hereinbefore provided, at the time of the return of said summons, he shall be deemed to have admitted the allegations of the complaint as true, and the court shall, upon filing the summons and complaint, with due proof of the service thereof, enter judgment for the said plaintiff and against the defendant, for the amount demanded in such complaint, with costs, without further proof.

§ 141. **Trial.** It shall be the duty of the city judge to charge the jury on questions of law whenever required by any party to an action or his attorneys. The city judge shall have power to direct a verdict in an action tried before a jury, and shall also have power to set aside the verdict of a jury and grant a new trial, for any of the reasons specified in section nine hundred and ninety-nine of the code of civil procedure upon such terms as he may deem just. But a motion for a new trial must be made within five days after the judgment is entered; said motion shall be upon at least two days' notice to the adverse party.

§ 142. **Defaults.** In actions in said court the city judge shall have power to open defaults and set aside judgments rendered and entered therein and executions issued thereon, upon such terms as may be just, in a case where either party shall fail to appear on the return day of the process, or on any adjourned day, and the party in default satisfactorily excuses his default; but no greater terms shall be imposed than the payments of the costs included in the judgment, and the sum of five dollars for opposing the motion. The application therefor shall be founded upon affidavit and shall be made within twenty days from the entry of such judgment. Upon presentation of such application, the city court judge shall issue an order returnable in not less

[19] See §§ 523–529.

than five days nor more than eight days, requiring the party in whose favor judgment was rendered to show cause, if any, why said judgment should not be set aside. A copy of said order and of the papers upon which the same was granted shall be served upon the party in whose favor judgment was rendered, or his attorney, if one shall have appeared in the action, not less than three days prior to the return day thereof. Pending such application and the determination thereof, the city judge may stay proceedings upon such judgment or any execution which shall have been issued. When a judgment shall be set aside the action shall proceed as though no judgment had been rendered. The judgment or an execution issued thereon by the city court judge or out of the city court, and levy made thereunder, may in his discretion be allowed to stand as security for the satisfaction of any judgment the plaintiff may finally recover. Parties moving in the county court to open default or obtain a new trial in said city court where a motion might have been made in said city court, as in this section provided, shall show that no application was made in the said city court. Where a transcript of judgment has been filed in the Montgomery county clerk's office, the city judge shall have power to direct that such judgment be canceled on the books of the county clerk, and upon the service of such order upon an officer having the enforcement of such judgment, proceedings for the enforcement thereof shall be stayed accordingly.

§ 143. **Contempts.** The city judge, while court is in session, shall have the same power to preserve order and punish for contempts committed in his presence as are possessed by courts of record.

§ 144. **Rules.** The judge of the city court may, from time to time, make, alter and amend rules not inconsistent with any law of this state, to govern the practice and procedure of his court, and fixing the sum of money required as a preliminary deposit to secure prepayment of fees by parties. The rules so established shall, before they become operative, be approved by the county judge of Montgomery county, and a copy thereof filed in the county clerk's office in the county of Montgomery and the city clerk's office of the city of Amsterdam.

§ 145. **Fees.** In any civil action or proceeding brought in said court there shall be paid the same fees as now allowed by section thirty-three hundred and twenty-two of the code of civil procedure for justices of the peace, except that a fee for a summons, order

of arrest, warrant of attachment, or for a requisition in an action for a chattel, shall, where the amount demanded in the complaint does not exceed fifty dollars, be fifty cents; and where the amount demanded in the complaint exceeds fifty dollars, such fee shall be one dollar; and also except that the fee to be paid for the trial of an action shall be as follows: Hearing of plaintiff's testimony when the defendant does not appear, fifty cents; for the trial of demurrer, fifty cents; for the trial of an issue of fact where the defendant appears, for each half day or part thereof consumed, one dollar; and the judge of said court shall require the prepayment of all fees, unless the party shall file an affidavit in writing showing to the satisfaction of the court that the action or proceeding is taken in good faith, and that the applicant is without means to pay such fees, in which case the judge may, in his discretion, issue the proper process, without charging for court fees, but shall in all cases require the applicant to pay in advance the fees of the officer for serving such process. Either party may, at any time before trial, request the service of a stenographer to take the evidence and, upon the deposit of three dollars with the city judge, the latter shall procure the attendance of such stenographer at the time of the trial. Said stenographer shall be entitled to three dollars for each day of actual trial, to be added to the costs of the action, and five cents a folio for transcribing the minutes when requested. In addition to such fees as may have been paid or incurred by the prevailing party, he shall recover the amount he may have paid, if any, for stenographer's fees per diem. Each party shall pay for such transcribed minutes as he may order.

§ 146. **Docket; cashbook; monthly statement; payment of money.** The judge of the city court shall keep in a docket of said court a complete and accurate record of all process issued and returned to said court, of all proceedings in any action or proceedings brought therein, and shall also keep a cashbook in which he shall enter in detail, with dates, all moneys received and paid out, which books, during seasonable business hours, shall be open to the public inspection. On or before the fifth day of each month the city judge shall make out and verify, and deliver to the city treasurer, a detailed statement of all costs and fees received and earned by said court during the preceding calendar month, and pay over all moneys received by him to the city treasurer. All officers' fees received by the city judge shall be paid to the officers as soon as earned, and all other fees, except those

of a stenographer, jurors and witnesses, shall belong to the city; and the city judge shall not directly or indirectly receive to his own use any fees or perquisites, except his salary.

§ 147. **Costs and allowances.** In all civil actions and proceedings the successful party shall tax and recover all fees paid by him or which he will necessarily incur. In addition thereto there shall be allowed to such party in case he has appeared by an attorney of the supreme court, and not otherwise, the following sums as costs:

a. For all proceedings before trial, including judgment for plaintiff upon default, in case the amount of recovery be fifty dollars or less, to the plaintiff, three dollars; in case the recovery be more than fifty dollars and not more than two hundred and fifty dollars, five dollars; in case the recovery is more than two hundred and fifty dollars and not more than five hundred dollars, seven dollars; in case the recovery be more than five hundred dollars and not more than seven hundred and fifty dollars, ten dollars; and in all other cases, twelve dollars.

b. If judgment be for plaintiff otherwise than upon default, an additional sum equal to ten per centum of the recovery, not exceeding twenty-five dollars.

c. If the plaintiff recover judgment in an action for the recovery of one or more chattels, the foregoing sums, allowed as additional costs, shall be estimated upon the value of such chattels, as assessed by the court or jury.

d. To the defendant, if a judgment be rendered in his favor, by default, in a case where the amount demanded in the complaint is fifty dollars or less, three dollars; in a case where the amount demanded in the complaint is more than fifty dollars, and not more than two hundred and fifty dollars, five dollars; in a case where the amount demanded in the complaint is more than two hundred and fifty dollars, and not more than five hundred dollars, seven dollars; in a case where the amount demanded in the complaint is more than five hundred dollars, and not more than seven hundred and fifty dollars, ten dollars; in a case where the amount demanded in the complaint is more than seven hundred and fifty dollars, twelve dollars; and where there is no complaint served or filed, three dollars.

e. If judgment be rendered for the defendant, after trial, to the defendant, ten per centum upon the amount claimed in the complaint, not exceeding, however, twenty-five dollars.

f. A defendant who recovers judgment upon a counterclaim

shall be allowed ten per centum on the amount so recovered, not exceeding twenty-five dollars; and in such case he shall be allowed no other costs, except his disbursements.

g. No costs or fees shall be allowed and recovered in an action brought upon a judgment of a court of this state, unless such action is brought more than five years after the recovery of the judgment sued on, except in a case specified in section thirty-one hundred and fifty-four of the code of civil procedure.

h. Costs upon a motion in any action or proceeding, not exceeding five dollars, may be awarded either absolutely or to abide the event of the action or proceeding to any party, in the discretion of the court or judge. Such costs may be included in the final judgment, or if not so included, may be enforced in accordance with the provisions of section seven hundred and seventy-five of the code of civil procedure.

§ 148. **Appeals.** Appeals may be taken to the county court from judgments rendered by said city court the same as judgments rendered by justices of the peace; except that a new trial cannot be had in a county court. Appeals may also be taken to the county court from any order of the city court or judge thereof or any judgments rendered by him within twenty days from the entry and filing thereof. Costs required to be paid to perfect the appeal under section thirty hundred and forty-seven of the code of civil procedure, shall not include the additional costs as hereinbefore provided by this act but upon the affirmance of said judgment or order on appeal, such costs may be included therein. The successful party on any such appeal shall be entitled to tax and recover as a part of the disbursements on appeal, any sum paid for the transcript of the stenographer's minutes in the court below.

§ 149. **Judgment.** A judgment of said court shall be in all respects the same as a judgment rendered by a justice of the peace of a town and all provisions of the code of civil procedure in relation to filing transcripts of such judgments and docketing the same in the office of the clerk of Montgomery county, or any other county, and the effect of such judgment when so docketed shall in all respects be the same as if said judgment was recovered before a justice of the peace of a town. But such judgment shall be a lien and remain in force for the same length of time as a judgment originally recovered in the county court.

§ 150. **Judge's qualifications; bonds; special powers.** The city judge shall be an attorney and counselor-at-law of the supreme

cept water rents uncollected at the time this act takes effect shall be collected in the manner provided by this act for the collection of taxes and assessments. All taxes and assessments except water rents remaining unpaid at the time of the adoption of the first city tax-roll after this act takes effect shall be added by the common council to said city tax-roll and collected in the same manner as and with the other taxes thereon; and all water rents uncollected at the time this act takes effect shall until paid continue to be a lien on the property against which the same were assessed and may be collected by action.

§ 159. **Ordinances and resolutions.** All ordinances and resolutions heretofore adopted by the common council, the water commissioners, the sewer commissioners, the board of education, or the board of health, not inconsistent with the provisions of this act or with law, and which are in force at the time when this act takes effect, shall continue in force and effect until amended or repealed. All ordinances and resolutions of the water commissioners and the sewer commissioners, in force when this act takes effect, may be amended or repealed by the common council.

L. 1881, ch. 101, L. 1886, ch. 533, and L. 1885, ch. 131 repealed.

§ 160. **Repeal.** Chapter one hundred and one of the laws of eighteen hundred and eighty-one, and all acts and parts of acts amendatory thereof and supplemental thereto, also chapter five hundred and thirty-three of the laws of eighteen hundred and eighty-six, and all acts and parts of acts amendatory thereof and supplemental thereto, and also chapter one hundred and thirty-one of the laws of eighteen hundred and eighty-five, and all acts and parts of acts amendatory thereof and supplemental thereto, and all acts and parts of acts inconsistent with and repugnant to the provisions of this act, are, so far as they affect the city of Amsterdam, hereby repealed; but such repeal shall not revive any act or part thereof heretofore repealed, nor affect any act done, right vested or established or any suit or proceeding commenced previous to the time when this act takes effect. Nothing herein contained shall be construed so as to destroy, impair or take away any property vested or any right or remedy acquired by or under any act hereby repealed.

In effect Jan. 1, 1912.

§ 161. **Time of taking effect.** This act shall take effect on the first day of January, nineteen hundred and twelve.

Chap. 243.

AN ACT to amend the penal law, in relation to admitting children to public pool or billiard rooms and public bowling alleys.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section four hundred and eighty-four of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," as amended by chapter two hundred and seventy-eight of the laws of nineteen hundred and nine,[1] is hereby amended to read as follows:

L. 1909, ch. 88, § 484, subd. 1, as amended by L. 1909, ch. 278, amended.

1. Admits to or allows to remain in any dance-house, public pool or billiard room, public bowling alley,[2] concert saloon, theatre, museum, skating rink, kinetoscope or moving picture performance, or in any place where wines or spirituous or malt liquors are sold or given away, or in any place of entertainment injurious to health or morals, owned, kept, leased, managed or controlled by him or by his employer, or where such person is employed or performs such services as doorkeeper or ticket seller or ticket collector, any child actually or apparently under the age of sixteen years, unless accompanied by its parent or guardian; [3]or unless such theatrical performance, kinetoscope or moving picture exhibition or other entertainment is given under the auspices, or for the benefit of any school or church or educational or religious institution, not operated for profit, or,

Permitting children to attend certain resorts.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

In effect Sept. 1 1911.

[1] This subdivision was also amended by L. 1910, ch. 383 and L. 1910, ch. 473.

[2] Words "public pool or billiard room, public bowling alley," new. The words "public pool or billiard room" were inserted by L. 1910, ch. 383, but do not appear in the second amendatory act of 1910 (ch. 475).

[3] Remainder of section was added by L. 1910, ch. 475.

Chap. 244.

AN ACT to amend section forty-seven of the decedent estate law.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 18, § 47 amended.

Section 1. Section forty-seven of chapter eighteen of the laws of nineteen hundred and nine, entitled "An act relating to estates of deceased persons, constituting chapter thirteen of the consolidated laws," is hereby amended to read as follows:

§ 47. **Validity and effect of testamentary dispositions.** The validity and effect of a testamentary disposition of real property, situated within the state, or of an interest in real property so situated, which would descend to the heir of an intestate, and the manner in which such property or such an interest descends, where it is not disposed of by will, are regulated by the laws of the state, without regard to the residence of the decedent. Except where special provision is otherwise made by law, the validity and effect of a testamentary disposition of any other property situated within the state, and the ownership and disposition of such property, where it is not disposed of by will, are regulated by the laws of the state or country, of which the decedent was a resident, at the time of his death. [1]Whenever a decedent, being a citizen of the United States, wherever resident, shall have declared in his will and testament that he elects that such testamentary dispositions shall be construed and regulated by the laws of this state, the validity and effect of such dispositions shall be determined by such laws.

§ 2. This act shall take effect immediately.

[1] Following sentence new.

Chap. 245.

AN ACT to ratify, confirm and legalize the bonds of the town of North Hempstead, in the county of Nassau, in the aggregate amount of forty-six thousand five hundred dollars and to provide for the payment of the interest and principal thereof.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to bond issue legalized.

Section 1. All the acts and proceedings had and taken by the town of North Hempstead in the county of Nassau, by its electors, town board, officers and agents, and by the board of supervisors of said county, leading up to and including the sale and award on the fourteenth day of March, nineteen hundred and eleven of road improvement bonds of said town in the aggregate amount of forty-six thousand five hundred dollars, consisting of ten "Lakeville road improvement bonds" of one thousand dollars each, payable one bond on January first in each of the years nineteen hundred and eighteen to nineteen hundred and twenty-seven inclusive, ten "Stonington road improvement bonds" of one thousand dollars each, payable one bond on January first in each of the years nineteen hundred and eighteen to nineteen hundred and twenty-seven inclusive, ten "Grace avenue improvement bonds" of one thousand dollars each payable one bond on January first in each of the years nineteen hundred and eighteen to nineteen hundred and twenty-seven inclusive, nine "Prospect avenue and Webster avenue improvement bonds" of one thousand dollars each, payable one bond on January first in each of the years nineteen hundred and twenty to nineteen hundred and twenty-eight inclusive, fifteen "Schenck's lane (or Manhasset avenue) improvement bonds" of five hundred dollars each, payable two bonds on January first in each of the years nineteen hundred and twenty to nineteen hundred and twenty-five inclusive, and three bonds on January first, nineteen hundred and twenty-six, all of said bonds being dated January first, nineteen hundred and eleven, and bearing interest at the rate of four and one-half per centum per annum, payable semi-annually, signed by the supervisor and attested by the town clerk under the corporate seal of said town, are hereby ratified, confirmed and legalized, notwith-

standing any defect or irregularity, or the omission of any lawful requirement in such acts and proceedings, and on the delivery of said bonds upon receipt of the price for which they were awarded at said sale, the same shall be, and become, the valid obligations of said town of North Hempstead.

Bonds validated.

Tax for payment.

§ 2. There shall be raised annually, by tax, in the manner provided by law, a sum sufficient to pay the interest and principal of said bonds as the same shall become due.

Pending actions.

§ 3. This act shall take effect immediately but shall not affect any action or proceeding pending in any court at the time it takes effect.

Chap. 246.

AN ACT to legalize the bonds of the town of North Hempstead, Nassau county, New York, in the amount of eighteen thousand dollars, sold or to be sold for the purpose of erecting and maintaining upon the property of the town at Barrow Beach a public park and other facilities for the enjoyment of the public, and for the purpose of grading and macadamizing the public highways within said town.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to tax legalized.

Section 1. The proceedings of the qualified electors of the town of North Hempstead, Nassau county, New York, and of the town board of said town, and of the board of supervisors of the county of Nassau, their officers and agents during the years nineteen hundred and nine, nineteen hundred and ten and nineteen hundred and eleven, relative to the voting of a tax or taxes aggregating eighteen thousand dollars, to be levied and collected from and upon the taxable property of said town in the same manner as are other taxes, as prescribed by law for the purpose of erecting and maintaining upon the property of the town of North Hempstead, Nassau county, New York, at Barrow or Barren Beach, at or near Roslyn in said town, a public park, bathing-house and other facilities for bathing and for the general enjoyment of the public and for the purpose of grading and macadamizing the following pieces of public highways: Sixth avenue from Shore

road to Carlton avenue, Bay View avenue from Carlton avenue to Mackey avenue, and Mackey avenue to Flower Hill avenue or Main street at Port Washington in said town of North Hempstead, and in the sale and issuance of the bonds of said town to the amount of eighteen thousand dollars, in anticipation of the collection of such tax or taxes, are hereby legalized, ratified and confirmed. Bond issue in anticipation of tax, legalized.

§ 2. The said bonds so sold or to be sold and directed to be issued by such proceedings, consisting of eighteen bonds of the denomination of one thousand dollars each, dated January first, nineteen hundred and eleven, payable as follows: two of such bonds on the first day of January in the year nineteen hundred and fourteen, and two of such bonds annually thereafter on the first day of January in the years nineteen hundred and fifteen, nineteen hundred and sixteen, nineteen hundred and seventeen, nineteen hundred and eighteen, nineteen hundred and nineteen, nineteen hundred and twenty and nineteen hundred and twenty-one; one of such bonds on the first day of January in the year nineteen hundred and twenty-two and one of such bonds on the first day of January in the year nineteen hundred and twenty-three, are hereby legalized and declared to be valid and subsisting obligations of said town of North Hempstead, Nassau county, New York. Bonds legalized and validated.

§ 3. In the event of the failure of the purchaser of said bonds to accept delivery thereof and pay therefor, said town board of the town of North Hempstead may readvertise them for sale and sell the same pursuant to the provisions of the town law.[1] Resale.

§ 4. The town board of said town of North Hempstead, in the manner provided by law, shall cause such sums to be raised annually by tax as may be necessary to pay the principal and interest of such bonds, as the same shall become due. Tax for payment.

§ 5. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time this act takes effect. Pending actions.

[1] L. 1909, ch. 63. See § 138.

of a stenographer, jurors and witnesses, shall belong to the city; and the city judge shall not directly or indirectly receive to his own use any fees or perquisites, except his salary.

§ 147. **Costs and allowances.** In all civil actions and proceedings the successful party shall tax and recover all fees paid by him or which he will necessarily incur. In addition thereto there shall be allowed to such party in case he has appeared by an attorney of the supreme court, and not otherwise, the following sums as costs:

a. For all proceedings before trial, including judgment for plaintiff upon default, in case the amount of recovery be fifty dollars or less, to the plaintiff, three dollars; in case the recovery be more than fifty dollars and not more than two hundred and fifty dollars, five dollars; in case the recovery is more than two hundred and fifty dollars and not more than five hundred dollars, seven dollars; in case the recovery be more than five hundred dollars and not more than seven hundred and fifty dollars, ten dollars; and in all other cases, twelve dollars.

b. If judgment be for plaintiff otherwise than upon default, an additional sum equal to ten per centum of the recovery, not exceeding twenty-five dollars.

c. If the plaintiff recover judgment in an action for the recovery of one or more chattels, the foregoing sums, allowed as additional costs, shall be estimated upon the value of such chattels, as assessed by the court or jury.

d. To the defendant, if a judgment be rendered in his favor, by default, in a case where the amount demanded in the complaint is fifty dollars or less, three dollars; in a case where the amount demanded in the complaint is more than fifty dollars, and not more than two hundred and fifty dollars, five dollars; in a case where the amount demanded in the complaint is more than two hundred and fifty dollars, and not more than five hundred dollars, seven dollars; in a case where the amount demanded in the complaint is more than five hundred dollars, and not more than seven hundred and fifty dollars, ten dollars; in a case where the amount demanded in the complaint is more than seven hundred and fifty dollars, twelve dollars; and where there is no complaint served or filed, three dollars.

e. If judgment be rendered for the defendant, after trial, to the defendant, ten per centum upon the amount claimed in the complaint, not exceeding, however, twenty-five dollars.

f. A defendant who recovers judgment upon a counterclaim

shall be allowed ten per centum on the amount so recovered, not exceeding twenty-five dollars; and in such case he shall be allowed no other costs, except his disbursements.

g. No costs or fees shall be allowed and recovered in an action brought upon a judgment of a court of this state, unless such action is brought more than five years after the recovery of the judgment sued on, except in a case specified in section thirty-one hundred and fifty-four of the code of civil procedure.

h. Costs upon a motion in any action or proceeding, not exceeding five dollars, may be awarded either absolutely or to abide the event of the action or proceeding to any party, in the discretion of the court or judge. Such costs may be included in the final judgment, or if not so included, may be enforced in accordance with the provisions of section seven hundred and seventy-five of the code of civil procedure.

§ 148. **Appeals.** Appeals may be taken to the county court from judgments rendered by said city court the same as judgments rendered by justices of the peace; except that a new trial cannot be had in a county court. Appeals may also be taken to the county court from any order of the city court or judge thereof or any judgments rendered by him within twenty days from the entry and filing thereof. Costs required to be paid to perfect the appeal under section thirty hundred and forty-seven of the code of civil procedure, shall not include the additional costs as hereinbefore provided by this act but upon the affirmance of said judgment or order on appeal, such costs may be included therein. The successful party on any such appeal shall be entitled to tax and recover as a part of the disbursements on appeal, any sum paid for the transcript of the stenographer's minutes in the court below.

§ 149. **Judgment.** A judgment of said court shall be in all respects the same as a judgment rendered by a justice of the peace of a town and all provisions of the code of civil procedure in relation to filing transcripts of such judgments and docketing the same in the office of the clerk of Montgomery county, or any other county, and the effect of such judgment when so docketed shall in all respects be the same as if said judgment was recovered before a justice of the peace of a town. But such judgment shall be a lien and remain in force for the same length of time as a judgment originally recovered in the county court.

§ 150. **Judge's qualifications; bonds; special powers.** The city judge shall be an attorney and counselor-at-law of the supreme

court of the state of New York of not less than five years' actual practice in his profession. The said judge shall, before entering upon the discharge of his duties, execute and file in the office of the city clerk a good and sufficient bond in the sum of five thousand dollars, to be approved by the mayor and corporation counsel, conditioned for the faithful performance of his duties, and the accounting for and the payment of all moneys which shall come into his hands as such city judge. The said judge is hereby authorized and empowered to solemnize marriages, and to take oaths and acknowledgments with the same force and effect as a justice of the peace.

§ 151. **City judge when to act as recorder.** In case of the sickness, absence from the city, disability to act of the recorder, or during a vacancy in the office of recorder, his powers and duties are hereby conferred and imposed upon the city judge, and in case any warrant issued by said recorder shall be returned during his absence from the city, sickness, disability to act or vacancy in the office, any further proceeding on such a warrant may be had before such city judge; and said city judge, having once obtained jurisdiction over any matter under this section, may retain and proceed to the determination of it. In the performance of his duties as acting recorder, the said city judge shall not be entitled to any additional compensation. In signing process he shall add to his official title "acting as recorder."

§ 152. **Acting city judge.** During the term of office of the present recorder, the corporation counsel of said city shall, during the sickness, absence from the city, disability of the city judge to act, or during a vacancy in the office of said city judge, exercise in his place and stead all the powers of said judge including jurisdiction in cases then pending before the said city judge. The said corporation counsel, while acting as said city judge shall receive a compensation of five dollars for every day actually spent in the discharge of such duties, not, however, to exceed the sum of three hundred dollars in any one year, and his bill for such services shall be audited and allowed by the common council the same as other charges against said city. Whenever the corporation counsel shall act as city judge, he shall add to his official title "acting as city judge."

§ 153. **Court room.** The common council of the city of Amsterdam shall provide a court room and suitable accommodations and supplies for the city judge and the city court of said city.

TITLE XII.

MISCELLANEOUS PROVISIONS.

§ 154. **List of trial jurors.** Each ward of the city of Amsterdam shall be considered a town for the purpose specified in title three, chapter ten, article second of the code of civil procedure, respecting the selecting, drawing and procuring of jurors, and the supervisor of each ward and assessors of said city shall execute the duties of the supervisor, town clerk and assessors of a town as prescribed by said article, and a duplicate list of jurors selected by them shall be filed in the office of the clerk of the city.

§ 155. **Elective officers.** Each elective officer of the city of Amsterdam, who is in office when this act takes effect, except the justices of the peace, shall hold his office and continue to serve during the term for which he was elected, and each such officer shall perform the duties and be subject to the liabilities of his respective office as prescribed by this act.

§ 156. **Sewer and water commissioners.** The office of water commissioner and also the office of sewer commissioner of the city of Amsterdam, as now existing, are hereby abolished and all the property held or controlled by the said water commissioners or sewer commissioners including all books, papers and records is and shall be the property of the city of Amsterdam and forthwith be turned over and delivered to the common council; but all funds, moneys, securities, investments and evidences thereof which may be in the hands of the water commissioners or of the sewer commissioners of the city when this act takes effect, shall be forthwith assigned, paid and turned over to the city by said commissioners and delivered to the treasurer, who shall give his receipt therefor, countersigned by the clerk under the seal of the city. The treasurer shall credit all funds received from the sewer commissioners to the sewer fund; all funds received from the water commissioners to the water fund; but the sinking fund of said water commissioners shall become a part of the sinking fund provided for by section one hundred and thirteen of this act.

§ 157. **Bonds and obligations.** Nothing in this act contained shall impair the obligation of any bond, liability or contract heretofore made, issued, assumed or entered into by the city or on its behalf or by the water commissioners or the sewer commissioners of the city.

§ 158. **Taxes and assessments.** All taxes and assessments ex-

tified, subject to the provisions of the three following sections, in delivering goods to one who is

(a) A person lawfully entitled to the possession of the goods, or

(b) The consignee named in a non-negotiable bill for the goods, or

(c) A person in possession of a negotiable bill for the goods by the terms of which the goods are deliverable to his order, or which has been indorsed to him or in blank by the consignee or by the mediate or immediate indorsee of the consignee.

§ 199. **Carrier's liability for misdelivery.** Where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to any one having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section; and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he —

(a) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or

(b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

A request or information to be effective within the meaning of this section must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

§ 200. **Negotiable bills must be cancelled when goods delivered.** Except as provided in section two hundred and thirteen, and except when compelled by legal process, if a carrier deliver goods for which a negotiable bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to any one who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier, and notwithstanding delivery was made to the person entitled thereto.

§ 201. **Negotiable bills must be cancelled or marked when parts of goods delivered.** Except as provided in section two hundred and thirteen, and except when compelled by legal process, if a car-

rier delivers part of the goods for which a negotiable bill had been issued and fails either —

(a) To take up and cancel the bill, or

(b) To place plainly upon it a statement that a portion of the goods has been delivered, with a description, which may be in general terms, either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill, to any one who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

§ 202. **Altered bills.** Any alteration, addition or erasure in a bill after its issue without authority from the carrier issuing the same either in writing or noted on the bill shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

§ 203. **Lost or destroyed bills.** Where a negotiable bill has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the carrier or any person injured by such delivery from any liability or loss, incurred by reason of the original bill remaining outstanding. The court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees.

The delivery of goods under an order of the court as provided in this section, shall not relieve the carrier from liability to a person to whom the negotiable bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

§ 204. **Effect of duplicate bills.** A bill upon the face of which the word "duplicate" or some other word or words indicating that the document is not an original bill is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

§ 205. **Carrier cannot set up title in himself.** No title to goods or right to their possession, asserted by a carrier for his own benefit, shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them,

unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

§ 206. **Interpleader of adverse claimants.** If more than one person claims the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate.

§ 207. **Carrier has reasonable time to determine validity of claims.** If some one other than the consignee or person in possession of the bill, has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods either to the consignee or person in possession of the bill, or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

§ 208. **Adverse title is no defense, except as above provided.** Except as provided in the two preceding sections and in section twelve, no right or title of a third person unless enforced by legal process shall be a defense to an action brought by the consignee of a nonnegotiable bill or by the holder of a negotiable bill against the carrier for failure to deliver the goods on demand.

§ 209. **Liability for nonreceipt or misdescription of goods.** If a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to

(a) The consignee named in a nonnegotiable bill, or

(b) The holder of a negotiable bill,

Who has given value in good faith relying upon the description therein of the goods, for damages caused by the nonreceipt by the carrier or a connecting carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

If, however, the goods are described in a bill merely by a statement of marks or labels upon them or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents

or condition of the contents of packages are unknown, or words of like purport are contained in the bill, such statements, if true, shall not make liable the carrier issuing the bill, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may, also, by inserting in the bill the words "shipper's load and count" or other words of like purport indicate that the goods were loaded by the shipper and the description of them made by him; and if such statement be true, the carrier shall not be liable for damages caused by the improper loading or by the nonreceipt or by the misdescription of the goods described in the bill.

§ 210. **Attachment or levy upon goods for which a negotiable bill has been issued.** If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner and a negotiable bill is issued for them, they cannot thereafter, while in the possession of the carrier, be attached by garnishment or otherwise, or be levied upon under an execution, unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

§ 211. **Creditor's remedies to reach negotiable bills.** A creditor whose debtor is the owner of a negotiable bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill, or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

§ 212. **Negotiable bill must state charges for which lien is claimed.** If a negotiable bill is issued the carrier shall have no lien on the goods therein mentioned, except for charges on those goods for freight, storage, demurrage and terminal charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier.

§ 213. **Effect of sale.** After goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods to the consignee or owner of the goods, or to a holder of the bill given for the goods when they were shipped, even if such bill be negotiable.

§ 214. **Negotiation of negotiable bills by delivery.** A negotiable bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank.

§ 215. **Negotiation of negotiable bills by indorsement.** A negotiable bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner.

§ 216. **Transfer of bills.** A bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby.

A nonnegotiable bill cannot be negotiated, and the indorsement of such a bill gives the transferee no additional right.

§ 217. **Who may negotiate a bill.** A negotiable bill may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the bill, the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

§ 218. **Rights of person to whom a bill has been negotiated.** A person to whom a negotiable bill has been duly negotiated acquires thereby:

(a) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value, and

(b) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him.

§ 219. **Rights of person to whom a bill has been transferred.** A person to whom a bill has been transferred but not negotiated acquires thereby as against the transferrer, the title to the goods, subject to the terms of any agreement with the transferrer. If the bill is nonnegotiable, such person also acquires the right to notify the carrier of the transfer to him of such bill, and thereby to become the direct obligee of whatever obligations the carrier owed to the transferrer of the bill immediately before the notification.

Prior to the notification of the carrier by the transferrer or transferee of a nonnegotiable bill, the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferrer, or by a notification to the carrier by the transferrer or a subsequent purchaser from the transferrer of a subsequent sale of the goods by the transferrer.

A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time with the exercise of reasonable diligence to communicate with the agent or agents having actual possession or control of the goods.

§ 220. **Transfer of negotiable bill without indorsement.** Where a negotiable bill is transferred for value by delivery, and the indorsement of the transferrer is essential for negotiation, the transferee acquires a right against the transferrer to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

§ 221. **Warranties on sale of bill.** A person who negotiates or transfers for value a bill by indorsement or delivery, including one who assigns for value a claim secured by a bill, unless a contrary intention appears, warrants:

(a) That the bill is genuine,

(b) That he has a legal right to transfer it,

(c) That he has knowledge of no fact which would impair the validity or worth of the bill, and

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract

of the parties had been to transfer without a bill the goods represented thereby.

In the case of an assignment of a claim secured by a bill, the liability of the assignor shall not exceed the amount of the claim.

§ 222. **Indorser not a guarantor.** The indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations.

§ 223. **No warranty implied from accepting payment of a debt.** A mortgagee or pledgee, or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt or from any other person, shall not be deemed by so doing to represent or to warrant the genuineness of such bill or the quantity or quality of the goods therein described.

§ 224. **When negotiation not impaired by fraud, accident, mistake, duress or conversion.** The validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor, in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress or conversion.

§ 225. **Subsequent negotiation.** Where a person having sold, mortgaged, or pledged goods which are in a carrier's possession and for which a negotiable bill has been issued, or having sold, mortgaged, or pledged the negotiable bill representing such goods, continues in possession of the negotiable bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

§ 226. **Form of the bill as indicating rights of buyer and seller.** Where goods are shipped by the consignor in accordance with a contract or order for their purchase, the form in which the bill is taken by the consignor shall indicate the transfer or retention of the property or right to the possession of the goods as follows:

(a) Where by the bill the goods are deliverable to the buyer or to his agent, or to the order of the buyer or of his agent, the consignor thereby transfers the property in the goods to the buyer.

(b) Where by the bill the goods are deliverable to the seller or to his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(c) Where by the bill goods are deliverable to the order of the buyer or of his agent, but possession of the bill is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

(d) Where the seller draws on the buyer for the price and transmits the draft and bill together to the buyer to secure acceptance or payment of the draft, the buyer is bound to return the bill if he does not honor the draft, and if he wrongfully retains the bill he acquires no added right thereby. If, however, the bill provides that the goods are deliverable to the buyer, or to the order of the buyer, or is indorsed in blank or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill or goods from the buyer, shall obtain the title to the goods, although the draft has not been honored, if such purchaser has received delivery of the bill indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

§ 227. **Demand, presentation or sight draft must be paid, but draft on more than three days' time merely accepted before buyer is entitled to the accompanying bill.** Where the seller of goods draws on the buyer for the price of the goods and transmits the draft and a bill of lading for the goods either directly to the buyer or through a bank or other agency, unless a different intention on the part of the seller appears, the buyer and all other parties interested shall be justified in assuming:

(a) If the draft is by its terms or legal effect payable on demand or presentation or at sight, or not more than three days thereafter (whether such three days be termed days of grace or not), that the seller intended to require payment of the draft before the buyer should be entitled to receive or retain the bill.

(b) If the draft is by its terms payable on time, extending beyond three days after demand, presentation or sight (whether

such three days be termed days of grace or not), that the seller intended to require acceptance, but not payment of the draft before the buyer should be entitled to receive or retain the bill.

The provisions of this section are applicable whether by the terms of the bill the goods are consigned to the seller, or to his order, or to the buyer, or to his order, or to a third person, or to his order.

§ 228. **Negotiation defeats vendor's lien.** Where a negotiable bill has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu. Nor shall the carrier be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation.

§ 229. **When rights and remedies under mortgages and liens are not limited.** Except as provided in section two hundred and twenty-eight, nothing in this article shall limit the rights and remedies of a mortgagee or lienholder whose mortgage or lien on goods would be valid, apart from this article, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them.

§ 230. **Issue of bill for goods not received.** Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill knowing that all or any part of the goods for which such bill is issued have not been received by such carrier, or by an agent of such carrier, or by a connecting carrier, or are not under the carrier's control at the time of issuing such bill, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

§ 231. **Issue of bill containing false statement.** Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 232. **Issue of duplicate bills not so marked.** Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a duplicate or additional negotiable bill for goods in violation of the provisions of *section seven, knowing that a former negotiable bill for the same goods or any part of them is outstanding and uncanceled, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

§ 233. **Negotiation of bill for mortgaged goods.** Any person who ships goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable bill which he afterward negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 234. **Negotiation of bill when goods are not in carrier's possession.** Any person who with intent to deceive negotiates or transfers for value a bill knowing that any or all of the goods which by the terms of such bill appear to have been received for transportation by the carrier which issued the bill, are not in the possession or control of such carrier, or of a connecting carrier, without disclosing this fact, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

§ 235. **Inducing carrier to issue bill when goods have not been received.** Any person who with intent to defraud secures the issue by a carrier of a bill knowing that at the time of such issue, any or all of the goods described in such bill as received for transportation have not been received by such carrier, or an agent of such carrier or a connecting carrier, or are not under the carrier's control, by inducing an officer, agent, or servant of such carrier falsely to believe that such goods have been received by such carrier, or are under its control, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or both.

* So in original.

§ 236. **Issue of nonnegotiable bill not so marked.** Any person who with intent to defraud issues or aids in issuing a nonnegotiable bill without the words "not negotiable" placed plainly upon the face thereof, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

§ 237. **Rule for cases not provided for in this article.** In any case not provided for in this article, the rules of law and equity including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, accident, mistake, bankruptcy, or other invalidating cause, shall govern.

§ 238. **Interpretation shall give effect to purpose of uniformity.**[3] This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 239. **Definitions.** (1) In this article, unless the context or subject-matter otherwise requires —

"Action" includes counterclaim, set-off, and suit in equity.

"Bill" means bill of lading.

"Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made.

"Consignor" means the person named in the bill as the person from whom the goods have been received for shipment.

"Goods" means merchandise or chattels in course of transportation, or which have been or are about to be transported.

"Holder" of a bill means a person who has both actual possession of such bill and a right of property therein.

"Order" means an order by indorsement on the bill.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee and to take as pledgee.

"Purchaser" includes mortgagee and pledgee.

(2) A thing is done "in good faith," within the meaning of this article, when it is in fact done honestly, whether it be done negligently or not.

[3] See note, p. 619, ante.

§ 240. **Article does not apply to existing bills.** The provisions of this article do not apply to bills made and delivered prior to the taking effect thereof.

§ 241. **Inconsistent legislation repealed.** All acts or parts of acts inconsistent with this article are hereby repealed.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

Chap. 249.

AN ACT to amend the insurance law, in relation to the payment of the premiums on industrial insurance policies.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-nine of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 33, § 89 amended.

§ 89. **Discriminations prohibited.** No life insurance corporation doing business in this state shall make or permit any discrimination between individuals of the same class or of equal expectation of life, in the amount or payment or return of premiums or rates charged for policies of insurance, or in the dividends or other benefits payable thereon, or in any of the terms and conditions of the policy; nor shall any such company permit or agent thereof offer or make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon; nor shall any such company or any officer, agent, solicitor or representative thereof pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to any person to insure, or give, sell or purchase, or offer to give, sell or purchase as such inducement or in connection with such insurance, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits accruing thereon, or any valuable consideration or inducement whatever not specified in the policy, nor shall any person knowingly receive as such inducement, any rebate of pre-

mium, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for services of any kind or any valuable consideration or inducement whatever, not specified in the policy. No person shall be excused from attending and testifying or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial for a violation of any of the provisions of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding. No premium upon any policy of life insurance issued on or after January first, nineteen hundred and seven, shall be charged for term insurance for one year, higher in amount than the premium for term insurance for one year at the same age under any other form of policy issued by such corporation; [1]provided, that nothing in this chapter shall be so construed as to forbid a company, transacting industrial insurance on a weekly payment plan, from returning to policyholders, who have made premium payments for a period of at least one year, directly to the company at its home or district offices, a percentage of the premium which the company would have paid for the weekly collection of such premium.

§ 2. This act shall take effect immediately.

[1] Remainder of section new.

Chap. 250.

AN ACT to amend the county law, in relation to the election of the chairman of the board of supervisors in certain counties at a special meeting of the board and to the alteration and erection of towns.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," as amended by chapter two hundred and seventy-nine of the laws of nineteen hundred and ten and section thirty-five of chapter sixteen of the laws of nineteen hundred and nine, constituting chapter eleven of the consolidated laws, are hereby amended as follows:

L. 1909, ch. 16, § 10, as amended by L. 1910, ch. 279; and § 35 amended.

§ 10. **Meeting and organization of boards of supervisors.** The supervisors of the cities and towns in each county, when lawfully convened, shall be the board of supervisors of the county. They shall meet annually, at such time and place as they may fix and may hold special meetings at the call of the clerk, on the written request of a majority of the board, and whenever required by law. A majority of the board shall constitute a quorum. They may adjourn from time to time, and their meetings shall be public. At the annual meeting they shall choose one of their number chairman for the ensuing year. [1]In a county in which the biennial town meetings are held at a time other than the general election they may choose one of their number chairman at a special meeting of the board called for such purpose. In the absence of the chairman[2] at any meeting they shall choose a temporary chairman to serve during such absence. They shall appoint a clerk to serve during their pleasure, and until his successor is appointed; and shall fix his compensation. They may compel the attendance of absent members at their meetings, make rules for the conduct of their proceedings, and impose and enforce penalties for the violation thereof, not exceeding fifty dollars for each offense.

§ 35. **Alteration and erection of towns.** Any such board may,

[1] Following sentence new.
[2] Sentence to here formerly read: "In his absence."

at any meeting[3] thereof, by a vote of two-thirds of all the members elected thereto, on the application of at least twelve freeholders of each of the towns to be affected, divide or alter the bounds of any town in the county, or erect a new town therein. Notice of such application, signed by such freeholders, shall be posted in five conspicuous public places in each of such towns for four weeks next preceding a presentation of such application to the board; and a copy of such notice shall be published for at least six consecutive weeks next preceding the meeting of the board to which the application is to be made, in three newspapers published in the county, if there be so many, otherwise in all the newspapers published in the county as often as once a week. Such applicants shall present to the board with such application and notice due proof of the posting and publishing of such notice, and furnish the board with a map and survey of such towns, showing the proposed alteration. The board shall designate the name of any new town so erected. If the application be granted, a copy of such map, with a certified statement of the action of the board thereto annexed, shall be filed in the office of the secretary of state, who shall cause such statement to be printed and published with the laws of the next legislature.

§ 2. This act shall take effect immediately.

Chap. 251.

AN ACT to amend the town law, in relation to the reapportionment of assessments for the establishment or maintenance of sewer systems outside of incorporated cities and villages.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 63, § 240 amended.

Section 1. Section two hundred and forty of chapter sixty-three of the laws of nineteen hundred and nine, entitled "An act relating to towns, constituting chapter sixty-two of the consolidated laws," is hereby amended to read as follows:

§ 240. **Reapportionment.** A reapportionment shall be made in the following cases:

[3] Formerly read: "at an annual meeting."

1. By the commissioners appointed by the county court where the original apportionment is reversed on the ground that it is erroneous, unequal or inequitable.

2. By the sewer commissioners of the district where the original apportionment is reversed upon any other ground. A reapportionment under this subdivision shall be made in like manner as the original.

3.[1] Reapportionments shall also be made by the sewer commissioners in like manner as original apportionments are made upon the petition of the owners of real property in said district representing a majority of the taxable property therein, as appears by the last preceding completed assessment roll, when the said petition shall state that the existing apportionments have become unequal or inequitable; such reapportionments shall be made from time to time, but not oftener than once in three years.

§ 2. This act shall take effect immediately.

Chap. 252.

AN ACT to amend the general city law, in relation to license to operate moving picture apparatus.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article two of chapter twenty-six of the laws of nineteen hundred and nine, entitled "An act in relation to cities, constituting chapter twenty-one of the consolidated laws," is hereby amended by adding at the end thereof a new section, to be section eighteen, and to read as follows: § 18 added to L. 1909, ch. 21

§ 18. **License to operate moving picture apparatus.** It shall not be lawful for any person or persons to operate any moving picture apparatus and its connections in a city of the first class unless such person or persons so operating such apparatus is duly licensed as hereinafter provided. Any person desiring to act as such operator shall make application for a license to so act to the mayor or licensing authority designated by the mayor, unless the charter of said city so designates, which officer shall furnish to each

[1] Subd. 3 new.

at any meeting[3] thereof, by a vote of two-thirds of all the members elected thereto, on the application of at least twelve freeholders of each of the towns to be affected, divide or alter the bounds of any town in the county, or erect a new town therein. Notice of such application, signed by such freeholders, shall be posted in five conspicuous public places in each of such towns for four weeks next preceding a presentation of such application to the board; and a copy of such notice shall be published for at least six consecutive weeks next preceding the meeting of the board to which the application is to be made, in three newspapers published in the county, if there be so many, otherwise in all the newspapers published in the county as often as once a week. Such applicants shall present to the board with such application and notice due proof of the posting and publishing of such notice, and furnish the board with a map and survey of such towns, showing the proposed alteration. The board shall designate the name of any new town so erected. If the application be granted, a copy of such map, with a certified statement of the action of the board thereto annexed, shall be filed in the office of the secretary of state, who shall cause such statement to be printed and published with the laws of the next legislature.

§ 2. This act shall take effect immediately.

Chap. 251.

AN ACT to amend the town law, in relation to the reapportionment of assessments for the establishment or maintenance of sewer systems outside of incorporated cities and villages.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 63, § 240 amended.

Section 1. Section two hundred and forty of chapter sixty-three of the laws of nineteen hundred and nine, entitled "An act relating to towns, constituting chapter sixty-two of the consolidated laws," is hereby amended to read as follows:

§ 240. **Reapportionment.** A reapportionment shall be made in the following cases:

[3] Formerly read: "at an annual meeting."

1. By the commissioners appointed by the county court where the original apportionment is reversed on the ground that it is erroneous, unequal or inequitable.

2. By the sewer commissioners of the district where the original apportionment is reversed upon any other ground. A reapportionment under this subdivision shall be made in like manner as the original.

3.[1] Reapportionments shall also be made by the sewer commissioners in like manner as original apportionments are made upon the petition of the owners of real property in said district representing a majority of the taxable property therein, as appears by the last preceding completed assessment roll, when the said petition shall state that the existing apportionments have become unequal or inequitable; such reapportionments shall be made from time to time, but not oftener than once in three years.

§ 2. This act shall take effect immediately.

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Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article two of chapter twenty-six of the laws of nineteen hundred and nine, entitled "An act in relation to cities, constituting chapter twenty-one of the consolidated laws," is hereby amended by adding at the end thereof a new section, to be section eighteen, and to read as follows: § 18 added to L. 1909, ch. 21.

§ 18. **License to operate moving picture apparatus.** It shall not be lawful for any person or persons to operate any moving picture apparatus and its connections in a city of the first class unless such person or persons so operating such apparatus is duly licensed as hereinafter provided. Any person desiring to act as such operator shall make application for a license to so act to the mayor or licensing authority designated by the mayor, unless the charter of said city so designates, which officer shall furnish to each

[1] Subd. 3 new.

applicant blank forms of application which the applicant shall fill out. Such officer shall make rules and regulations governing the examination of applicants and the issuance of licenses and certificates. A license shall not be granted to an applicant unless he shall have served as an apprentice under a licensed operator, for a period of not less than six months prior to the date of the application; the application must be made in writing, and contain a verified statement to that effect; it must be accompanied by the affidavit of the licensed operator to the same effect; before entering upon the period of apprenticeship the applicant must register his name and address with the officer issuing such license. The applicant shall be given a practical examination under the direction of the officer required to issue such license and if found competent as to his ability to operate moving picture apparatus and its connections shall receive within six days after such examination a license as herein provided. Such license may be revoked or suspended at any time by the officer issuing the same. Every license shall continue in force for one year from the date of issue unless sooner revoked or suspended. Every license, unless revoked or suspended as herein provided, may at the end of one year from the date of issue thereof be renewed by the officer issuing it in his discretion upon application and with or without further examination as he may direct. Every application for renewal of license must be made within the thirty days previous to the expiration of such license. With every license granted there shall be issued to every person obtaining such license a certificate, certifying that the person named therein is duly authorized to operate moving picture apparatus and its connections. Such certificate shall be displayed in a conspicuous place in the room where the person to whom it is issued operates moving picture apparatus and its connections. No person shall be eligible to procure a license unless he shall be of full age. Any person offending against the provisions of this section, as well as any person who employs or permits a person not licensed as herein provided to operate moving picture apparatus and its connections, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of one hundred dollars, or imprisonment for a period not exceeding three months, or both.

Existing licenses not affected.

§ 2. This act shall take effect immediately, but shall not affect or apply to existing licenses, nor to the holders of existing licenses

Chap. 253.

AN ACT to provide for the payment of the balance due newspapers for the publication of concurrent resolutions *to the legislature of nineteen hundred and ten, proposing amendments to the constitution of this state, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of eighty thousand dollars ($80,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, payable by the treasurer, upon the warrant of the comptroller, for the payment of the balance due newspapers for the publication of concurrent resolutions of the legislature of nineteen hundred and ten, proposing amendments to the constitution of this state, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract, and the further sum of two thousand, four hundred and thirty-nine dollars and sixty cents ($2,439.60) for the publication of the general laws of the legislature of nineteen hundred and ten in the Rome Tri-Weekly Republican and the Potsdam Courier and Freeman to be paid from the appropriation made by chapter five hundred and twelve of the laws of nineteen hundred and ten, for the publication of general laws.

§ 2. This act shall take effect immediately.

*So in original.

Chap. 254.

AN ACT to amend chapter five hundred and sixty-four of the laws of nineteen hundred and ten, entitled "An act to provide for county roads in certain counties adjoining cities of the first class," relative to county roads in a county containing a city of the second class.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1910, ch. 564, title amended.

Section 1. The title of chapter five hundred and sixty-four of the laws of nineteen hundred and ten, entitled "An act to provide for county roads in certain counties adjoining cities of the first class," is hereby amended so as to read as follows: An act to provide for county roads in certain counties.[1]

§ 1 amended

§ 2. Section one of said chapter is hereby amended so as to read as follows:

Section 1. **County road system of working highways.** In a county adjacent to a city of the first class or containing a city of the second class,[2] the board of supervisors of such county may, by a concurring vote of at least a majority of the members thereof, by resolution adopt the county road system and at any time and from time to time cause to be designated as county roads such portions of the public highways in such county as they shall deem advisable, outside of the limits of any city in such county, provided that any such public highway so designated as a county road is not a state or county highway, as defined in section three of the highway law,[3] and shall cause such designation and a map of such county road to be filed in the clerk's office of such county; the roads so designated shall, as far as practicable, be leading market roads in such county.

§ 3. This act shall take effect immediately.

[1] Words "adjoining cities of the first class," omitted.

[2] Section to here formerly read: "In counties adjacent to cities of the first class and exceeding two hundred square miles in area."

[3] L. 1909, ch. 30. § 3 as amended by L. 1910, ch. 567.

Chap. 255.

AN ACT to amend the agricultural law, in relation to payments by counties of expenses incurred in enforcing orders of the agricultural department.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-six of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," as amended by chapter three hundred and fifty-two of the laws of nineteen hundred and nine and chapter four hundred and thirty-seven of the laws of nineteen hundred and ten, is hereby amended to read as follows:

L. 1909, ch. 9, § 96, as amended by L. 1909, ch. 352 and L. 1910, ch. 437, amended.

§ 96. Regulations, the enforcement thereof and expenses incurred by sheriff. The commissioner may prescribe such regulations as in his judgment may be thought suited for the suppression or the prevention of the spread of any such disease, and for the disinfection of all premises, buildings, railway cars, vessels, and other objects from or by means of which infection or contagion may take place or be conveyed. He may alter or modify, from time to time, as he may deem expedient, the terms of all notices, orders and regulations issued or made by him, and may at any time cancel or withdraw the same. He may call upon the sheriff, under sheriff or deputy sheriff, to carry out and enforce the provisions of any notice, order or regulation which he may make, and all such sheriffs, under sheriffs and deputy sheriffs shall obey and observe all orders and instructions which they may receive from him in the premises. In all counties, the expenses incurred[1] by the sheriff, under sheriff or a deputy sheriff in carrying out and enforcing the provisions of such notice, order or regulation shall be a county charge, to be audited and paid in the same manner as other charges by the sheriff, under sheriff or deputy sheriff, [2]including in this requirement any county affected by a local or special act relating to the sums payable by the county for compensation or disbursements, or both, to its sheriff, under

[1] Sentence to here formerly read: "All expenses incurred."
[2] Remainder of sentence new.

sheriff or any deputy sheriff; and no such local or special act shall be effectual to prevent the payment of the expenses herein made a county charge over and above any other sum or sums, fixed or otherwise, provided in such act to be paid by the county to the sheriff, under sheriff or deputy sheriffs for compensation or to cover expenses, or both, and notwithstanding any provision of any such act relieving the county from charges imposed by law which are incurred by its sheriff, under sheriff or a deputy sheriff. If the commissioner shall lay a quarantine upon a city or any portion thereof he may call upon the commissioner of public safety and the police department of said city to enforce the provisions of any notice, order or regulation which he may make within the quarantine district or such portion thereof as lies within the city limits, and the commissioner of public safety and the police department shall obey and observe all such orders and instructions so made or issued, and all expenses incurred by the commissioner of public safety and the police department in enforcing the quarantine as herein provided shall be a city charge. If the commissioner shall quarantine any particular district or territory for the purpose of stopping or preventing the spread of the disease known as rabies, and if any dog be found within the said quarantine district in violation of said quarantine or regulation, any person may catch or cause to be caught such dog and have him impounded or confined. If the said dog is thereafter not found to be affected with the disease known as rabies, it may be released to the owner upon payment of a penal sum of ten dollars to the commissioner of agriculture, who shall upon receipt and acceptance of the same issue to the said owner a release which shall entitle the said owner to the possession of said dog. If such penalty is not paid within three days after said dog is impounded, or if it is found impracticable after reasonable effort to catch and impound such dog within the said quarantine district in violation of said quarantine or regulation, or to find the owner of a dog so impounded, then any person may kill or cause to be killed such dog and shall not be held liable for damages for such killing. For the purpose of enforcing the provisions of this article the commissioner of agriculture, his appointees and employees shall be considered as peace officers and shall have all the rights and powers of peace officers.

§ 2. This act shall take effect immediately.

Chap. 256.

AN ACT to amend chapter seven hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to revise the charter of the city of Watertown," in relation to local improvements.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections two hundred and eighteen and two hundred and nineteen of chapter seven hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to revise the charter of the city of Watertown," as amended by chapter three hundred and twenty-seven of the laws of nineteen hundred and eight, are hereby amended to read as follows:

L. 1897, ch. 760, §§ 218, 219, as amended by L. 1908, ch. 327, amended.

§ 218. Whenever the assessment for the paving, repaving, macadamizing or curbing of a street, streets, alleys or other highways of the city, or for the building or construction of a sewer or sewers,[1] shall be confirmed as herein provided, and in case such assessments are to be collected by installments as herein provided, the common council may, after the local assessments have been confirmed as provided in this title, authorize the issue of bonds to an amount not exceeding four-fifths of the expense of such paving, repaving, macadamizing or curbing, or for the building or construction of a sewer or sewers,[1] which is to be paid by local assessment; said bonds shall draw interest not exceeding five per centum per annum and shall be payable one-fourth in one year, one-fourth in two years, one-fourth in three years and one-fourth in four years from and after the first day of the second calendar month succeeding the confirmation of said assessment-roll, and shall be of such denomination or denominations as the common council may determine, and shall be sold at not less than par value; the common council may, by resolution, authorize warrants to be drawn on the city treasury, or certificates of indebtedness issued in payment for the expense of such paving, repaving, macadamizing or curbing, or for the building or construction of a sewer or

Bond issue for paving and sewers.

Bonds.

Warrants or certificates of indebtedness for payment of work.

[1] Words "or for the building or construction of a sewer or sewers," new.

sewers,[1] as the work progresses or as the contract thereof may provide; such warrants shall bear interest at the rate of five per centum per annum from their dates, and shall be payable four-fifths out of the proceeds of the bonds issued as above provided, and one-fifth out of the moneys collected from the first installment of the assessment-roll made therefor. The common council, instead of issuing bonds, warrants or certificates of indebtedness as above provided, may authorize the issue of city warrants to be drawn payable by the city on a day certain, for one-fifth of the amount of the expenses of such improvement or improvements[2] in one year from date, one-fifth in two years, one-fifth in three years and one-fifth in four years from date; such warrants shall bear interest at the rate of five per centum per annum from their respective dates. The treasurer shall pay such city warrants with accrued interest thereon at any time before they shall become due, if there shall be funds in his hands arising from such assessments applicable to the payment thereof, but none of said warrants shall be paid until all those which by their terms are sooner payable shall have been paid, unless he shall retain in his hands a sufficient amount to pay all such prior warrants; whenever the treasurer shall have money in his hands applicable to the payment of such warrants he shall give notice in five successive numbers of the official daily newspapers, Sundays and holidays excepted, that he will pay all or any portion of such warrants, with accrued interest, on a day to be specified in said notice, and the interest on said warrants shall cease from and after the day specified in such notice.

City warrants for one-fifth of expense.

Payment of city warrants.

Application of proceeds from collection of installments.

§ 219. The proceeds from the collection of the installments of assessment made as provided in section two hundred and sixteen shall constitute a fund for the purpose of paying the portion of the expense of such pavement, repavement, macadamizing or curbing, or for the building or construction of a sewer or sewers,[1] borne by local assessment and the bonds, warrants or certificates of indebtedness issued to pay the same. If sufficient moneys have not been realized from such assessments and the sale of such bonds to pay for the paving, repaving, macadamizing or curbing done, or for the building or construction of a sewer or sewers,[1] or if sufficient moneys have not been realized upon any installments to pay the said bonds, warrants or certificates of indebtedness when the

Temporary loan.

[1] Words "or for the building or construction of a sewer or sewers," new.
[2] Words "improvement or improvements" substituted for word "pavement."

same shall become due and payable, the common council shall temporarily borrow on the credit of the city a sufficient sum to pay the same, and all moneys thereafter realized on account of said assessment-roll or from sales for nonpayment of the assessments therein, shall be used and are hereby pledged for the payment of the amount so borrowed and for the payment of said bonds, warrants or certificates of indebtedness.

§ 2. This act shall take effect immediately.

Chap. 257.

AN ACT requiring the board of regents of the university of the state of New York to deliver to the state of South Carolina certain documents and records now in the state library.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of regents of the university of the state of New York is hereby directed to deliver to the historical commission of the state of South Carolina, within thirty days after this act takes effect, the following documents or records or so many thereof as have escaped the recent conflagration in the state library: The minutes of the commissioners of the navy board of South Carolina, from October nine, seventeen hundred and seventy-six to March twenty-third, seventeen hundred and eighty, the paybook of the officers and crews of the vessels employed by the state of South Carolina from December twentieth, seventeen hundred and seventy-seven to January fourth, seventeen hundred and eighty, and an engrossed copy of the minutes of the commissioners of the navy board of South Carolina to March first, seventeen hundred and seventy-nine, which documents or records were formerly in the custody of the state of South Carolina, and the return of which has been requested by concurrent resolution of the general assembly of that state.

§ 2. This act shall take effect immediately.

Chap. 258.

AN ACT to amend article four of the labor law, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," in relation to medical reports to the bureau of labor statistics.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 58 added to L. 1909, ch. 36.

Section 1. Article four of the labor law, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," is amended by the addition of a new section numbered fifty-eight, to read as follows:

§ 58. **Industrial poisonings to be reported.** 1. Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed air illness, contracted as the result of the nature of the patient's employment, shall send to the commissioner of labor a notice stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, with such other and further information as may be required by the said commissioner.

2. If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding ten dollars.

3. It shall be the duty of the commissioner of labor to enforce the provisions of this section, and he may call upon the state and local boards of health for assistance.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

Chap. 259.

AN ACT to amend the highway law, by the addition of a new state route in the county of Saratoga.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended by adding thereto a new subdivision, to be known as route forty-three,[1] to read as follows: Subd. 43 added to L. 1909, ch 30, § 120.

Route 43. Commencing at a point at or near the village of Stillwater in Saratoga county, running thence northerly and northwesterly through Bemis Heights and the Saratoga battlefield to Quaker Springs, running thence northerly and northeasterly through Victory Mills, thence to Schuylerville by way of Creamery Hill to Broad street; thence northerly to Spring street; and thence westerly until it connects with county highway number two hundred and forty-four.

§ 2. This act shall take effect immediately.

Chap. 260.

AN ACT to amend the highway law, in relation to a new route in the state highway system in the counties of Orange, Sullivan and Delaware.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended by adding thereto, after route three Subd. 3a added to L. 1909, ch. 30, § 120.

[1] Another route 43 was added by L. 1911, ch. 166, ante.

thereof, a new subdivision, or route, so-called, to be known as route three-a, described and to read as follows:

Route 3-a. Commencing at a point, to be determined by the commission, on the Delaware river at or near the city of Port Jervis in Orange county, running thence northwesterly along the Delaware river, as nearly as practicable, to a point to be determined by the commission on the dividing line between Sullivan and Delaware counties, thence to the village of Hancock, connecting with route number four.

§ 2. This act shall take effect immediately.

Chap. 261.

AN ACT to amend the highway law, in relation to the courses and descriptions of route seven of the state highway system.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 30, § 120, subd. 7 amended.

Section 1. That part which is designated route seven[1] of section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended to read as follows:

Route 7. Commencing at a point to be determined by the commission on the dividing line between the town of Binghamton in Broome county, and Pennsylvania, running thence northerly to the city of Binghamton; running thence northerly and northeasterly from the city of Binghamton on the east side of the Chenango river, by the way of Port Crane, Sanitaria Springs and Harpursville, to Nineveh, on the dividing line between Chenango and Broome counties, running thence northeasterly along the Susquehanna valley, to a point at or near Sidney, on the dividing line between Chenango and Delaware counties, running thence northeasterly by the way of Sidney to a point to be determined by the commission, on the dividing line between Otsego and Delaware counties, running thence northeasterly along the Susquehanna valley to Oneonta, running thence northeasterly from Oneonta by

[1] Route 7 is further changed by L. 1911, ch. 751, post.

way of Maryland and Worcester, to a point to be determined by the commission, on the dividing line between Schoharie and Otsego counties, running thence easterly by the way of Cobleskill to a point to be determined by the commission, on the dividing line between Albany and Schoharie counties at or near West Berne, [2]to Berne, thence to East Berne, thence to a point at Thompson's Lake, known as Secor's Church, thence to the top of the present so-called "Indian Ladder" road, thence in a southerly direction to New Salem, and thence to New Scotland, Slingerlands, and to the city of Albany.

§ 2. This act shall take effect immediately.

Chap. 262.

AN ACT making an appropriation for the purpose of repairing and reconstructing the dikes and repairing the banks of the Chemung river in the city of Elmira.

Became a law June 6, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of thirty thousand dollars ($30,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of repairing and reconstructing the dikes and repairing the banks of the Chemung river within the city of Elmira. Appropriation.

§ 2. Said repairing shall be done under the direction of the superintendent of public works. All moneys hereby appropriated shall be payable by the treasurer on the warrant of the comptroller to the order of the superintendent of public works. Direction of work. Payment of moneys.

§ 3. This act shall take effect immediately.

[2] Remainder of subdivision formerly read: "running thence easterly to the city of Albany."

Chap. 263.

AN ACT to amend chapter seven hundred and fifty-two of the laws of nineteen hundred and seven, entitled "An act to revise the charter of the city of North Tonawanda," generally.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1907, ch. 752, tit. 1, § 2 amended.

Section 1. Section two of title one of chapter seven hundred and fifty-two of the laws of nineteen hundred and seven, entitled "An act to revise the charter of the city of North Tonawanda," is hereby amended to read as follows:

§ 2. **Boundaries of wards.** The city is hereby divided into five[1] wards, as follows:

First ward. The first ward shall include all that part of said city lying within the following boundaries, to wit: Commencing at the intersection of the middle line of the Tonawanda creek on the south bounds of said city with the middle line of Payne avenue, produced, and running thence northerly along the middle line of Payne avenue produced and the middle line of Payne avenue to the intersection of the said middle line of Payne avenue with the middle line of Schenck street; thence westerly along the middle line of Schenck street, and said middle line produced to its intersection with the middle line of that portion of the Niagara river running between Tonawanda, or Little island and the main land; thence northerly and northwesterly along the middle line of said portion of said river and said middle line produced to its intersection with the west bounds of said city; thence southerly along the west bounds of said city to the southerly bounds thereof; thence easterly along the said south bounds of said city to the place of beginning.

Second ward. The second ward shall include all that part of said city lying within the following boundaries, to wit: Commencing at the intersection of the middle line of Payne avenue with the middle line of Schenck street and running thence westerly along the middle line of Schenck street and said middle line

[1] Formerly "three." The ward boundaries are materially altered.

produced to the middle line of that portion of the Niagara river running between Tonawanda or Little island and the main land; thence running northwesterly along said middle line of said portion of said river to its intersection with the middle line of Wheatfield street produced; thence easterly along the said middle line of Wheatfield street produced and the middle line of Wheatfield street to its intersection with the middle line of Payne avenue; thence southerly along the middle line of Payne avenue to the place of beginning.

Third ward. The third ward shall include all that part of said city lying within the following boundaries, to wit: Commencing at the intersection of the middle line of Payne avenue with the middle line of Wheatfield street; and running thence westerly along the middle line of Wheatfield street and said line produced, to its intersection of the middle line of that portion of the Niagara river running between Tonawanda or Little island and the mainland; thence running northwesterly along said middle line of said portion of said river and said middle line produced to its intersection with the west bounds of said city; thence running northwesterly and northerly to the north bounds of the city; thence easterly along the north bounds of the city to the intersection thereof with the middle line of the Ward road; thence southerly along the middle line of the Ward road to its intersection with the middle line of Payne avenue and thence southeasterly and southerly along the middle line of Payne avenue, to the place of beginning.

Fourth ward. The fourth ward shall include all that portion of said city lying within the following boundaries, to wit: Commencing at the intersection of the south bounds of said city with the lot line between farm lots numbers ten and twelve in township twelve, range eight of the Holland Land Company's survey, produced southerly, and thence running northerly along said line so produced and said line to the northerly line of said lots numbers ten and twelve; thence westerly along the north bounds of farm lots numbers twelve and fourteen to the middle line of Division street, thence northerly along the middle line of Division street to its intersection with the middle line of Robinson street; thence westerly along the middle line of Robinson street to its intersection with the middle line of Payne avenue; thence southerly along the middle line of Payne avenue and the middle line thereof produced to the south bounds of said city; and thence easterly along the south bounds of said city to the place of beginning.

Fifth ward. The fifth ward shall include all that part of said city lying within the following boundaries, to wit: Commencing at the intersection of the south bounds of said city with the lot line between farm lots numbers ten and twelve in township twelve, range eight of the Holland Land Company's survey, produced southerly, and running thence northerly along said line so produced and said line to the northerly line of said lots numbers ten and twelve; thence westerly along the north bounds of farm lots twelve and fourteen to the middle line of Division street; thence northerly along the middle line of Division street to its intersection with the middle line of Robinson street; thence westerly along the middle line of Robinson street to its intersection with the middle line of Payne avenue; thence northerly and northwesterly along the middle line of Payne avenue to its intersection with the middle line of the Ward road; thence northerly along the middle line of the Ward road to its intersection with the north bounds of the city; thence easterly along the north bounds of the city to the east bounds of the city; thence southerly along the east bounds of the city to the south bounds of the city; thence westerly along the south bounds of the city to the place of beginning.

Tit. 3, § 3 amended.

§ 2. Section three of title three of said act is hereby amended to read as follows:

§ 3. **Elective officers.** The elective officers of the city shall hereafter be a mayor, a president of the common council,[2] a city judge, a city attorney, a city treasurer, three assessors, two justices of the peace and three constables,[3] all of whom shall be elected by the city at large; there shall also be two aldermen and one supervisor in each ward, who shall be elected by the electors of the ward.

Tit. 3, § 6 amended.

§ 3. Section six of title three of said act is hereby amended to read as follows:

§ 6. **Terms of office.** Except as otherwise provided herein, the terms of office of city officers shall be as follows: The term of office of the mayor, the president of the common council,[2] the city treasurer, the aldermen, the supervisors and the city attorney shall be two years; of the city judge and justices of the peace, four years; of the assessors, constables, commissioners of public works, fire commissioners and police commissioners, three years; of the city physician, commissioner of

[2] Provision as to president of the common council, new.
[3] Words "and three aldermen at large" omitted.

public charities,[4] superintendent of public works, superintendent of water works, chief and assistant engineers of the fire department, one year; of the members of the board of health, inspectors of election, poll clerks, ballot clerks, civil service commissioners and commissioners of deeds, for such term as is now or may hereafter be provided by law.

Tit. 3, § 8 as amended by L. 1908, ch. 247, amended.

§ 4. Section eight of title three of said act, as amended by chapter two hundred and forty-seven of the laws of nineteen hundred and eight, is hereby amended to read as follows:

§ 8. **Salaries.** The annual salary of the city judge shall be twelve hundred dollars; the annual salary of the mayor shall be three hundred dollars; the annual salary of the president of the common council shall be two hundred dollars;[5] the annual salary of each alderman shall be two hundred dollars; the annual salary of each commissioner of public works shall be two hundred dollars;[6] the common council shall have the power to fix and change the salaries of all officers of the city, including such as are fixed by this act, and[7] every such salary shall be fixed by resolution at least four months before the beginning of the term of office to which it belongs, and shall not be increased or diminished during the continuance of such term of office. Every resolution fixing or changing a salary shall be published after its introduction and before being finally acted upon, in one or more newspapers of the city once a week for four successive weeks. The common council shall not have the power to provide for any salary or compensation whatsoever for any officer, who, by the provisions of this act, is required to serve without pay.

Tit. 3, § 10, as amended by L. 1908, ch. 247, amended.

§ 5. Section ten of title three of said act, as amended by chapter two hundred and forty-seven of the laws of nineteen hundred and eight, is hereby further amended to read as follows:

§ 10. **Boards to serve without compensation.** No member of any board, or commissioner, created by this act shall receive any salary nor commission for his services, nor withhold nor retain any money or property of the city for that purpose, except as herein otherwise provided in respect to the mayor, president of the common council,[8] aldermen and commissioners of public works[9] of the city.

[4] Words "city clerk" omitted.
[5] Provision for salary of president of common council, new.
[6] Provision for salaries of commissioners of public works, new.
[7] Word "and" substituted for "but."
[8] Words "president of the common council" new.
[9] Words "and commissioners of public works" new.

§ 14 added to tit. 3.

§ 6. Title three of said act is hereby amended by adding a new section at the end thereof, to be known as section fourteen, and to read as follows:

§ 14. **Retention and election of certain officers.** The president of the common council, in office at the time this act shall take effect, shall be the president of the common council of the city of North Tonawanda for the remainder of the term for which he was elected as an alderman-at-large. Each alderman in office at the time this act shall take effect shall continue in office until the expiration of the term for which he was elected; each supervisor in office at the time this act shall take effect shall continue in office until the expiration of the term for which he was elected. There shall be elected at the general city election in the year nineteen hundred and eleven one alderman in each ward of the city for a term of two years each, and also an additional alderman in the fourth ward and an additional alderman in the fifth ward for the term of one year each; there shall be elected at the general city election in each year thereafter one alderman in each ward for a term of two years each. There shall be elected at the general city election in the year nineteen hundred and eleven, and at the general city election in each second year thereafter, one supervisor in each ward for a term of two years each. There shall be elected at the general city election in the year nineteen hundred and twelve, and at the general city election in each second year thereafter, a president of the common council of said city for the term of two years. The aldermen in office at the time this act shall take effect shall be the aldermen of said city until the expiration of the present year; and thereafter, the aldermen now in office, until the expiration of their respective terms, the aldermen elected at the general city election in the year nineteen hundred and eleven, and their respective successors, shall be the aldermen of said city. The supervisors elected in the fourth and fifth wards of said city at the general city election in the year nineteen hundred and eleven shall, in addition to their respective terms of two years each, immediately upon their election and qualification take office as such supervisors and continue as such until the commencement of their terms of two years each, and thereafter continue for such terms of two years each.

Tit. 6, § 1 amended.

§ 7. Section one of title six of said act is hereby amended to read as follows:[10]

[10] Section materially amended.

§ 1. **Organization and procedure.** The legislative powers of the corporation shall be vested in the common council which shall be composed of the president of the common council, and the aldermen of the city. The common council shall meet on the first Tuesday in January, next after each annual election. The president of the common council shall be the presiding officer. In the common council, the president shall have a vote as an alderman, and only as an alderman. The common council shall meet in the council rooms, at such times during each fiscal year, after its first meeting as it shall, by resolution designate. Special meetings may be called by the mayor, the president of the common council, or by any three aldermen, by appointment in writing to be filed with the city clerk, and notice thereof shall be served as the common council shall, by ordinance prescribe. The presence of a majority of the members of the common council authorized to be elected shall constitute a quorum thereof, but a less number may adjourn from time to time. A majority vote of the members of the common council present and voting at any meeting thereof at which a quorum shall be present, shall be sufficient to pass any resolution or ordinance, except that no resolution authorizing or involving the expenditure of money, or collection of money by tax or assessment, and no ordinance shall be passed or adopted, unless it receives the assent of a majority of the members of the common council in office, which vote shall be by yeas and nays, and a record thereof, be entered at length in the minutes.

§ 8. Title seventeen of said act is hereby amended by adding a new section at the end thereof, to be known as section seven, and to read as follows: § 7 added to tit 17.

§ 7. **Fire warden.** The chief engineer shall also be the fire warden of the city, and shall receive for his services an annual salary to be fixed by the common council. The fire warden shall perform such duties as may be prescribed by the board of fire commissioners, and also such duties as have been prescribed in any ordinance, rules or regulations heretofore passed or adopted by the said board of fire commissioners relating to fire warden, and shall have such power as may have been prescribed in any ordinance, rules or regulations heretofore passed or adopted by said board of fire commissioners. The fire warden shall have power at all reasonable times to enter and examine any premises within the city, and he shall report to the board of fire commis-

sioners all violations of any statute or ordinance for the prevention of fires.

Tit. 16, § 23 amended.

§ 9. Section twenty-three of title sixteen of said act is hereby amended to read as follows:

§ 23. **Annual report.** On the first day of January,[11] in each year, the board of public works shall file with the city clerk a report containing a statement of the following facts:

1. The amount of money on hand at the beginning of the preceding fiscal year, and the receipts from all sources during such year.

2. An itemized statement of the amount paid[12] during such year, and the balance on hand.

3. The improvements and extensions made during such preceding year, and the general condition of the water works.

4. Such other facts as the board deems important for the information of the city, together with such recommendations concerning the department as may be deemed proper.

§ 10. This act shall take effect immediately.

Chap. 264.

AN ACT to amend chapter seven hundred and four of the laws of nineteen hundred and one, entitled "An act to make the office of clerk of the county of Kings a salaried office and regulating the management of said office," in relation to the performance of duties imposed by federal law, and to provide for the compensation therefor.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1901, ch 704, § 1 amended.

Section 1. Section one[1] of chapter seven hundred and four of the laws of nineteen hundred and one, entitled "An act to make the office of clerk of the county of Kings a salaried office and regulating the management of said office," is hereby amended to read as follows:

11 Formerly "May."
12 Word "out" omitted.
1 Section 1 is further amended by L. 1911, ch. 641, post.

§ 1. On and after the first day of January, in the year nineteen hundred and two, the clerk of the county of Kings shall receive a salary of eight thousand dollars a year, as his compensation, which shall be in lieu of all fees, perquisites, emoluments, commissions, percentage and moneys, for discharging the duties of clerk, and for the performance of any other duty prescribed by law, directly or indirectly, for said clerk, or for which he may perform by virtue of that office, [2]except however, that nothing herein contained shall prohibit him from performing any duty not in conflict with the aforesaid duties that has been or may be imposed by federal law, or from receiving or retaining fees, or other compensation provided by such law for the performance of such duty. Salary in lieu of fees, etc. Certain fees excepted.

§ 2. Section three[3] of chapter seven hundred and four of the laws of nineteen hundred and one, entitled "An act to make the office of clerk of the county of Kings a salaried office and regulating the management of said office," is hereby amended to read as follows: § 3 amended.

§ 3. On and after the first day of January, in the year nineteen hundred and two, all moneys to which the clerk of the county of Kings may be entitled, by virtue of his office, or for which he may receive for any and all official services rendered by him, or by any of his assistants, clerks, employees, or subordinates, except as aforesaid,[4] shall belong to and be for the benefit of the city of New York, and shall be collected by such clerk and accounted for and paid over on the first day of each and every month into the treasury of the city of New York. Fees to belong to city.

§ 3. This act shall take effect immediately.

[2] Remainder of section new.
[3] Section 3 is further amended by L. 1911, ch. 641, post.
[4] Words "except as aforesaid" new.

Chap. 265.

AN ACT to amend chapter three hundred and nineteen of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Young Ladies' Christian Association of the city of New York," relative to the management of such corporation and its real and personal estate.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1873, ch. 319, §§ 2-6 amended.

Section 1. Sections two, three, four, five and six of chapter three hundred and nineteen of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Young Ladies' Christian Association of the city of New York," as amended[1] by chapter three hundred and thirty-three of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:[2]

Object of corporation.

§ 2. The object of this corporation shall be the improvement of the physical, social, intellectual, moral and spiritual condition of the young women of the city of New York, by procuring employment and safe boarding places, by Bible classes, social and religious meetings, libraries and reading rooms and educational advantages, and such other means and services as may conduce to the accomplishment of this object.

Directors; how chosen, terms.

§ 3. This corporation shall hereafter be managed by a board of directors composed of twenty-one members who shall be chosen as follows: Ten directors by the executive committee of The Northeastern Territorial Committee of the National Board of Young Women's Christian Associations; seven directors by the executive committee heretofore existing of the Young Women's Christian Association of the city of New York; four directors by the board of managers of the Harlem Young Women's Christian Association. All of said directors shall hold office for a term expiring on the third Monday of January, nineteen hundred and fourteen. On the first Monday of January, nineteen hundred and fourteen, a new board of directors shall be elected by the active members of this corporation to take office on the third Monday of January, nineteen hundred and fourteen, as follows: Seven

[1] §§ 2, 3, 5 were amended by L. 1897, ch. 333.
[2] These sections are materially amended.

directors to hold office for a term expiring on the third Monday of January, nineteen hundred and fifteen; seven directors to hold office for a term expiring on the third Monday of January, nineteen hundred and sixteen; and seven directors to hold office for a term expiring on the third Monday of January, nineteen hundred and seventeen. Beginning with the year nineteen hundred and fifteen seven directors shall be elected by the active members of this corporation on the first Monday of January in each year, to hold office for a term of three years from the third Monday of said month, and until their successors are elected. Said board shall, after the third Monday of January, nineteen hundred and fifteen, be composed of and chosen from persons who are members of Protestant Evangelical churches and represent at least five denominations, and not more than one-third of such board shall be members of any one denomination. All vacancies in said board or in the offices thereof shall be filled as the constitution and by-laws direct. Filling vacancies.

§ 4. The board of directors of this corporation may make such constitution, by-laws and rules for the regulation of its business, the management of its affairs, and the choice, powers and duties of its officers and agents, as are not inconsistent with its charter and the laws of the state. Constitution, by-laws and rules.

§ 5. There shall be a board of nine trustees, of whom seven shall be men and two shall be women, chosen, three trustees by the executive committee of the Northeastern Territorial Committee of Young Women's Christian Associations, three trustees by the executive committee heretofore existing of the Young Women's Christian Association of the city of New York, and three trustees by the board of managers of the Harlem Young Women's Christian Association. Whenever a vacancy shall occur in said board, the same shall be filled by a majority vote of the remaining trustees. All the members of said board shall be members in good standing of and representing at least three different Protestant Evangelical denominations. The body corporate created by this act shall, with the consent of the board of trustees, be capable of taking by gift, purchase, devise, or bequest, and holding, mortgaging, and conveying any real or personal estate for the benefit of said corporation, but such real and personal estate shall not exceed in value the amount limited by law. The body corporate created by this act, in addition to the powers and rights hereinbefore specified, shall have power to take, subject to the Board of trustees. Powers as to property. Powers as to trusts.

4. Sue and be sued, complain and defend in any court;

5. Use the present public seal of said city as its common seal, and alter it at pleasure;

6. Possess such other powers as may be conferred by law upon cities and municipal corporations not inconsistent with this act; and

7. Do anything necessary to carry into effect the powers granted to it.

§ 2. This act shall take effect immediately.

Chap. 267.

AN ACT to amend the judiciary law, in relation to salaries of attendants and messengers of surrogates' court of New York county and to repeal chapter four hundred and eighty-seven of the laws of nineteen hundred and six, relative to the same subject.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 348a added to L. 1909, ch. 35

Section 1. Chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," is hereby amended by adding thereto, after section three hundred and forty-eight thereof, a new section three hundred and forty-eight-a thereof, to read as follows:

§ 348-a. **Salaries of attendants and messengers of the surrogates' court of New York county.** Each of the attendants and messengers of the surrogates' court in the county of New York shall receive a salary to be fixed by the surrogates of the said county at a sum not exceeding eighteen hundred dollars per annum.

L. 1906, ch. 487 repealed.

§ 2. Chapter four hundred and eighty-seven of the laws of nineteen hundred and six, entitled "An act to equalize the salaries of the attendants and messengers of the surrogate's court in the county of New York with the salaries of the attendants of the supreme

court in the first judicial district and the appellate division thereof in the first department," is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 268.

AN ACT to extend the corporate existence of the Dutchess Company to validate its conveyances of real and leasehold estates.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate existence revived and extended.

Section 1. For the purpose of selling and conveying any real or leasehold estates or property which it may at any time have owned, the corporate existence or term for which the Dutchess Company, a domestic corporation, having its principal office in the village of Wappinger's Falls, in the county of Dutchess, was organized, is hereby revived and extended to and including the first day of January, nineteen hundred and thirteen, with the same force and effect as if that were the time fixed in its certificate of incorporation for its corporate existence to expire.

Assignments and deeds legalized.

§ 2. Any and all assignments or deeds heretofore or hereafter made by or in the name of said The Dutchess Company of any real or leasehold estates or property belonging to it executed and attested by the proper officers authorized thereunto or acting pursuant to the authority of its trustees acting as such are hereby legalized and confirmed and made effectual and valid as fully and for all purposes as if the corporate existence of said corporation had not expired.

Pending actions.

§ 3. Nothing herein contained shall affect actions or proceedings, if any, now pending in relation to any of the property specified in this act.

§ 4. This act shall take effect immediately.

Chap. 269.

AN ACT to extend the corporate existence of the Franklindale Company to validate its conveyances of real and leasehold estates.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate existence revived and extended.

Section 1. For the purpose of selling and conveying any real or leasehold estates or property which it may at any time have owned, the corporate existence or term for which The Franklindale Company, a domestic corporation, having its principal office in the village of Wappinger's Falls in the county of Dutchess, was organized, is hereby revived and extended to and including the first day of January, nineteen hundred and thirteen, with the same force and effect as if that were the time fixed in its certificate of incorporation for its corporate existence to expire.

Assignments and deeds legalized.

§ 2. Any and all assignments or deeds heretofore or hereafter made by or in the name of said The Franklindale Company of any real or leasehold estates or property belonging to it executed and attested by the proper officers authorized thereunto or acting pursuant to the authority of its trustees acting as such are hereby legalized and confirmed and made effectual and valid as fully and for all purposes as if the corporate existence of said corporation had not expired.

Pending actions.

§ 3. Nothing herein contained shall affect actions or proceedings, if any, now pending in relation to any of the property specified in this act.

§ 4. This act shall take effect immediately.

Chap. 270.

AN ACT to extend the corporate existence of Rockland Print Works, to validate its conveyances of real and leasehold estates.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate existence revived and extended.

Section 1. For the purpose of selling and conveying any real or leasehold estates or property which it may at any time have owned, the corporate existence or term for which the Rockland Print Works, a domestic corporation, having its principal office in the town of Haverstraw, in the county of Rockland, was organized, is hereby revived and extended to and including the first day of January, nineteen hundred and thirteen, with the same force and effect as if that were the time fixed in its certificate of incorporation for its corporate existence to expire.

Assignments and deeds legalized.

§ 2. Any and all assignments or deeds heretofore or hereafter made by or in the name of said Rockland Print Works of any real or leasehold estates or property belonging to it executed and attested by the proper officers authorized thereunto or acting pursuant to the authority of its trustees acting as such are hereby legalized and confirmed and made effectual and valid as fully and for all purposes as if the corporate existence of said corporation had not expired.

Pending actions.

§ 3. Nothing herein contained shall affect actions or proceedings, if any, now pending in relation to any of the property specified in this act.

§ 4. This act shall take effect immediately.

Chap. 271.

AN ACT to extend the corporate existence of The Harmony Mills, to validate its conveyances of real and leasehold estates.

Became a law June 7, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate existence revived and extended.

Section 1. For the purpose of selling and conveying any real or leasehold estates or property which it may at any time have owned, the corporate existence or term for which The Harmony Mills, a domestic corporation, having its principal office in the city of Cohoes, in the county of Albany, was organized, is hereby revived and extended to and including the first day of January, nineteen hundred and thirteen, with the same force and effect as if that were the time fixed in its certificate of incorporation for its corporate existence to expire.

Assignments and deeds legalized.

§ 2. Any and all assignments or deeds heretofore or hereafter made by or in the name of said The Harmony Mills of any real or leasehold estates or property belonging to it, executed and attested by the proper officers authorized thereunto or acting pursuant to the authority of its trustees acting as such, are hereby legalized and confirmed and made effectual and valid as fully and for all purposes as if the corporate existence of said corporation had not expired.

Pending actions.

§ 3. Nothing herein contained shall affect actions or proceedings, if any, now pending in relation to any of the property specified in this act.

§ 4. This act shall take effect immediately.

Chap. 272.

AN ACT to amend the legislative law, in relation to the publication of constitutional amendments in the annual volumes of the session laws.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-five of chapter thirty-seven of the laws of nineteen hundred and nine, entitled "An act in relation to legislation, constituting chapter thirty-two of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 37, § 45 amended.

§ 45. **Publication of session laws; contents of published volumes of session laws.** The secretary of state shall annually cause the session laws to be published as soon as possible after the adjournment of the legislature. Such volumes shall contain:

1. A statement of the names and residences of the governor, lieutenant-governor, senators and members of assembly, the presiding officers and clerks of both houses in office during each session.

2. The laws and concurrent resolutions passed at each session.

3.[1] Amendments to the state constitution approved and ratified by the people at the last preceding general election.

4. Tables showing the laws and parts thereof amended or repealed by such laws.

5. Indexes of the laws and concurrent resolutions contained in such volumes.

6. Such other matters as are required by law to be published in such volumes.

Such laws, concurrent resolutions, tables, indexes and other matters so required to be published shall be prepared for publication in the state library under the supervision of the director thereof. Side notes or section headings shall be inserted indicating the subject-matter of the several sections of the laws and concurrent resolutions. Suitable references to existing general or consolidated laws, codes, or special or local laws may be made in foot notes or otherwise. The said director may submit to the

[1] Subd. 3 new. Subdivisions following were formerly numbered 3, 4, 5.

state printing board changes in the style of execution as to type and paper, which, when approved by such board, shall be the style of execution to be thereafter followed in the publication of session laws. All contracts hereafter entered into for the printing of session laws shall be for terms of two years, and shall provide for the printing thereof in the style as so approved, and with the notes and references and in the form, and containing the matter, herein authorized or required. Each volume printed for the state shall contain the certificate of the secretary of state that it was printed under his direction.

§ 2. This act shall take effect immediately.

Chap. 273.

AN ACT to legalize, ratify and confirm the incorporation of the Winfield Athletic Club and its corporate acts and those of its trustees, including amendments to its certificate of incorporation.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certificate of incorporation validated.

Section 1. The certificate, bearing date the third day of February, one thousand eight hundred and ninety, signed, executed and acknowledged by Nicholas Groskinsky, Peter Hemmer, Thomas Snelling, Richard Snelling, Peter Eichler, William Quis, John H. Eichler and George A. Ruck, filed in the office of the clerk of the county of Queens on the twentieth day of February, one thousand eight hundred and ninety, and recorded in said office in liber two of certificates of incorporation, at page two hundred and seventy-two, shall be regarded and construed, and the same is hereby declared to be of the same validity, force and effect as it would have been had such certificate contained all of the statements and been filed as required by chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five of the state of New York and the acts amendatory thereof, and the club mentioned in the said certificate is hereby declared to be a corporation duly incorporated under and by virtue of chapter two hundred and sixty-seven of the laws of eighteen hundred

and seventy-five[1] and the acts amendatory thereof, bearing the corporate name or title of "The Winfield Athletic Club," and all conveyances, deeds, mortgages, leases or grants of every nature, kind and description whatever, executed and delivered to or by such club or corporation, since the twentieth day of February, eighteen hundred and ninety, and every act, deed, matter and thing done or performed by said club or corporation, is hereby ratified, confirmed and declared to be as valid in all respects as if such certificate had contained all of the statements and been filed as required by chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five and the acts amendatory thereof.

Conveyances, acts, etc., validated.

§ 2. The certificate bearing date the third day of March, eighteen hundred and ninety, signed, executed and acknowledged by Michael McCarthy, Lewis C. Becker and John F. McGowan, filed and recorded in the office of the clerk of the county of Queens on the twenty-fourth day of March, eighteen hundred and ninety, and in the office of the secretary of state on the twenty-sixth day of March, eighteen hundred and ninety, shall be regarded and construed, and the same is hereby declared to be of the same validity, force and effect as an amendment to the certificate mentioned in the last preceding section, for the purpose of stating the number of trustees to manage the club or corporation therein named and the names of the trustees to manage the same for the first year, would have been had it contained all of the statements and had it been signed, executed, acknowledged and filed as required by the laws of the state of New York then in force, and all conveyances, deeds, mortgages, leases or grants of every kind, nature and description whatever, and every act, deed, matter and thing done or performed by the trustees named in such certificate, or their successors, for or on behalf of said club or corporation since the twenty-sixth day of March, eighteen hundred and ninety, are hereby ratified, confirmed and declared to be as valid, in all respects, as if such certificate had contained all of the statements and had been signed, executed and filed as required by the laws of the state of New York in force on said date.

Amendment of certificate validated.

Conveyances, acts, etc., since Mar. 26, 1890, validated.

§ 3. Nothing herein contained shall affect actions or proceedings, if any, now pending in relation to any matters affected by this act.

Pending actions.

§ 4. This act shall take effect immediately.

[1] Entitled "An act for the incorporation of societies or clubs for certain lawful purposes." Now superseded by membership corporations law (L. 1909, ch. 40).

state printing board changes in the style of execution as to type and paper, which, when approved by such board, shall be the style of execution to be thereafter followed in the publication of session laws. All contracts hereafter entered into for the printing of session laws shall be for terms of two years, and shall provide for the printing thereof in the style as so approved, and with the notes and references and in the form, and containing the matter, herein authorized or required. Each volume printed for the state shall contain the certificate of the secretary of state that it was printed under his direction.

§ 2. This act shall take effect immediately.

Chap. 273.

AN ACT to legalize, ratify and confirm the incorporation of the Winfield Athletic Club and its corporate acts and those of its trustees, including amendments to its certificate of incorporation.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certificate of incorporation validated.

Section 1. The certificate, bearing date the third day of February, one thousand eight hundred and ninety, signed, executed and acknowledged by Nicholas Groskinsky, Peter Hemmer, Thomas Snelling, Richard Snelling, Peter Eichler, William Quis, John H. Eichler and George A. Ruck, filed in the office of the clerk of the county of Queens on the twentieth day of February, one thousand eight hundred and ninety, and recorded in said office in liber two of certificates of incorporation, at page two hundred and seventy-two, shall be regarded and construed, and the same is hereby declared to be of the same validity, force and effect as it would have been had such certificate contained all of the statements and been filed as required by chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five of the state of New York and the acts amendatory thereof, and the club mentioned in the said certificate is hereby declared to be a corporation duly incorporated under and by virtue of chapter two hundred and sixty-seven of the laws of eighteen hundred

and seventy-five[1] and the acts amendatory thereof, bearing the corporate name or title of "The Winfield Athletic Club," and all conveyances, deeds, mortgages, leases or grants of every nature, kind and description whatever, executed and delivered to or by such club or corporation, since the twentieth day of February, eighteen hundred and ninety, and every act, deed, matter and thing done or performed by said club or corporation, is hereby ratified, confirmed and declared to be as valid in all respects as if such certificate had contained all of the statements and been filed as required by chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five and the acts amendatory thereof.

Conveyances, acts, etc., validated.

§ 2. The certificate bearing date the third day of March, eighteen hundred and ninety, signed, executed and acknowledged by Michael McCarthy, Lewis C. Becker and John F. McGowan, filed and recorded in the office of the clerk of the county of Queens on the twenty-fourth day of March, eighteen hundred and ninety, and in the office of the secretary of state on the twenty-sixth day of March, eighteen hundred and ninety, shall be regarded and construed, and the same is hereby declared to be of the same validity, force and effect as an amendment to the certificate mentioned in the last preceding section, for the purpose of stating the number of trustees to manage the club or corporation therein named and the names of the trustees to manage the same for the first year, would have been had it contained all of the statements and had it been signed, executed, acknowledged and filed as required by the laws of the state of New York then in force, and all conveyances, deeds, mortgages, leases or grants of every kind, nature and description whatever, and every act, deed, matter and thing done or performed by the trustees named in such certificate, or their successors, for or on behalf of said club or corporation since the twenty-sixth day of March, eighteen hundred and ninety, are hereby ratified, confirmed and declared to be as valid, in all respects, as if such certificate had contained all of the statements and had been signed, executed and filed as required by the laws of the state of New York in force on said date.

Amendment of certificate validated.

Conveyances, acts, etc., since Mar. 26, 1890, validated.

§ 3. Nothing herein contained shall affect actions or proceedings, if any, now pending in relation to any matters affected by this act.

Pending actions.

§ 4. This act shall take effect immediately.

[1] Entitled "An act for the incorporation of societies or clubs for certain lawful purposes." Now superseded by membership corporations law (L. 1909, ch. 40).

Chap. 274.

AN ACT to amend the election law, in relation to the delivery and filing of papers in the city of New York.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 22, § 378 amended.

Section 1. Section three hundred and seventy-eight of chapter twenty-two of the laws of nineteen hundred and nine, entitled "An act in relation to the elections, constituting chapter seventeen of the consolidated laws," is hereby amended to read as follows:

§ 378. **Delivery and filing of papers in the city of New York.** In the city of New York the original statement of canvass and the sealed package of void and protested ballots shall be filed by the chairman of the board of inspectors within twenty-four hours after the completion of the canvass with the county clerk of the county within which the election district is located, together with one of the poll books and one of the tally sheets, properly certified by the poll clerks. [1]The county clerk with whom said papers are filed shall not be required to preserve or retain on file the original statements of canvass, the sealed package of void and protested ballots, the poll books and the tally sheets for a period of more than three years, at the expiration of which time they may be disposed of in the discretion of the county clerk having them in charge unless otherwise directed by a committee of the legislature, the district attorney of the county, or a justice or a judge of a court of record. One certified copy of such original statement, one poll book and one tally sheet shall be filed within such time with the board of elections or with the chief clerk of the branch office of the board of elections, as the case may be in the borough within which the election district is located, by an inspector designated by the board of inspectors for that duty, and the other certified copy of such original statement with the city clerk, by an inspector designated by the board of inspectors for that duty. In election districts in the city of New York, the boards of inspectors of election must, at the same time that they make and

[1] Following sentence new.

sign the aforesaid original statement and certified copies thereof, make a certified copy of so much thereof, as relates to any candidate for member of assembly, senator or representative in congress, voted for both in said election district and in any part of any county not within the city of New York, and such certified copy must within twenty-four hours after the completion of the canvass by the inspectors, be filed by the chairman of the board of inspectors with the clerk of the county outside of the city of New York in which such officers or any of them are voted for at such election. The sealed packages of detached stubs and ballots not used at the election shall, in the city of New York, be given by the inspectors to the police who shall return them to the board of elections or to the chief clerk of the branch office of the board of elections, as the case may be in the borough within which the election district is located. All such packages of detached stubs and unused ballots shall be preserved inviolate in the office in which they are filed for a period of six months from the time of filing thereof, and may be opened and examined upon the order of the supreme court or a justice thereof, or a county judge within such county, or by a committee of the legislature, and at the expiration of such time may be disposed of in the discretion of the officer or board having custody of the same.

§ 2. This act shall take effect immediately.

Chap. 275.

AN ACT to amend the judiciary law, in relation to certain papers that may be destroyed.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-seven of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," is hereby amended to read as follows:[1] L. 1909, ch. 35, § 87 amended.

§ 87. **Appellate division may direct county clerk to destroy papers.** The appellate division of the supreme court, in any de-

[1] Section materially amended.

partment, may, upon petition, by order made at any term thereof, direct a county clerk to destroy any paper or papers now deposited or filed, or hereafter to be deposited or filed in his office, which the court deems to have become useless. Provided, however, that in those counties where commissioners of records have been appointed, a copy of said petition shall be served upon the commissioner of records at least five days before application is made to said court. But this provision does not authorize the destruction of a judgment roll, or a paper incorporated or necessary to be incorporated into a judgment roll.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

Chap. 276.

AN ACT to amend chapter five hundred and forty-four of the laws of nineteen hundred and nine, entitled "An act to provide for the construction and maintenance of sewage disposal works in and for the town of Pelham," relative to issuing additional bonds therefor.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 8a added to L. 1909, ch. 544.

Section 1. Chapter five hundred and forty-four of the laws of nineteen hundred and nine, entitled "An act to provide for the construction and maintenance of sewage disposal works in and for the town of Pelham," is hereby amended by adding thereto after section eight a new section to be known as section eight-a, as follows:

Issue of additional bonds for deficiencies.

§ 8-a. When at any time, and from time to time, after the construction of such disposal works shall have been commenced, it shall appear that the proceeds of bonds sold in pursuance hereof or of section eight of this act shall not be sufficient to complete such disposal works, and to meet and pay all the disbursements for such construction, said board shall ascertain as nearly as may be, and shall certify the amount required for the completion of such disposal works and for payment in full of all obligations author-

ized by this act to the town board of the town of Pelham, whereupon, upon each of such certifications, it shall be the duty of the town board to cause registered or coupon bonds of the town, for the amount so certified, to be issued in the name and upon the credit of the town, and all the provisions relating to the issue and sale of bonds and the proceeds thereof, as provided in section eight of this act, shall apply to each issue of such additional bonds.

§ 2. This act shall take effect immediately.

Chap. 277.

AN ACT to provide for the submission of a proposition to the electors of the county of Jefferson authorizing the board of supervisors to expend not more than one hundred thousand dollars for acquiring a site and erecting a soldiers and sailors' memorial hall in the city of Watertown, and for the erection and jurisdiction thereof if so authorized.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisors of Jefferson county may in their discretion submit to the electors thereof at the general election to be held in such county on the seventh day of November, nineteen hundred and eleven, a proposition to authorize the board of supervisors of such county to expend not more than one hundred thousand dollars in acquiring a site in the city of Watertown and erecting thereon a soldiers and sailors' memorial hall. Such proposition shall be in the following form: Shall the board of supervisors be authorized to expend not more than one hundred thousand dollars in acquiring a site and erecting a soldiers and sailors' memorial hall? The provisions of the election law in relation to the submission of propositions and the form of ballots therefor shall apply to the submission of such proposition. If a majority of the votes upon such proposition shall be in the affirmative, the board of supervisors of such county may acquire a site for such memorial hall in the city of Watertown and may cause to be erected thereon a soldiers and sailors' memorial hall at an expense not exceeding in the aggregate for the acquisition of the

Submission of proposition authorized.

Form of proposition.

Action upon adoption.

site and the construction and equipment of the building one hundred thousand dollars.

Building, memorial to whom.

§ 2. Such building when completed shall be deemed a memorial to the soldiers and sailors who enlisted from the county of Jefferson and served in any war in which the United States, as a nation, has ever been engaged, including so much of the Revolutionary war as was carried on previous to the signing and promulgation of the Declaration of Independence by the continental congress, and such purposes shall be properly indicated by tablet or otherwise. The soldiers and sailors' memorial hall and historical association of Jefferson county shall have the management of such memorial hall, and may authorize the use thereof for military drills by a camp or camps of the sons of veterans of such county, and for other appropriate public purposes.

Management and use of hall.

Expense county charge.

§ 3. The expense of acquiring a site for such hall and constructing and equipping the building shall be a county charge and shall be levied and paid in the same manner as other county charges.

§ 4. This act shall take effect immediately.

Chap. 278.

AN ACT to amend the public health law, in relation to the sale of hypodermic syringes and needles.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 318a added to L. 1909, ch. 49.

Section 1. Chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," is hereby amended by inserting a new section to be section three hundred and eighteen-a and to read as follows:

§ 318-a. **Sale of hypodermic syringes and needles.** It is unlawful for any person to sell at retail or to furnish to any person other than a duly licensed physician, dentist or veterinarian, an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, without the written order of a duly licensed physician or veterinarian. Every per-

son who disposes of, or sells at retail, or furnishes or gives away to any person, either of the above instruments, upon the written order of a duly licensed physician or veterinarian, shall, before delivering the same, enter in a book kept for that purpose, the date of the sale, the name and address of the purchaser, and the description of the instruments sold, disposed of, furnished or given away. Any person or persons who sells, disposes of or gives away, an instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, except in the manner prescribed by this section, shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Chap. 279.

AN ACT to amend the public health law, in relation to vital statistics.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-two of chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," as amended by chapter six hundred and thirty-nine of the laws of nineteen hundred and ten,[1] is hereby amended to read as follows:

L. 1909, ch. 49, § 22, as amended by L. 1910, ch. 639, amended.

§ 22. **Vital statistics.** Every such local board shall supervise and make complete the registration of all births and deaths occurring within the municipality, and the cause of death and the finding of coroners' juries, in accordance with the methods and forms prescribed by the state department of health, and, after registration, promptly forward the certificates of such births and deaths to the state bureau of vital statistics on or before the fifth of each month. [2]Every physician or midwife attending at the birth of a child, and no physician or midwife being in attendance, the parent or custodian of a child born shall cause a notice

[1] Section was also amended by L. 1909, ch. 407.
[2] Sentence materially amended.

of such birth to be returned within thirty-six hours thereafter to the local board of health or person designated by it to receive the same, upon the blank form furnished by the local board of health for that purpose, and shall within three days thereafter file with the local registrar of vital statistics a complete record of the birth upon the form prescribed by the state department of health, which shall be attested by the physician or midwife, if any in attendance, and no physician or midwife being in attendance, by the parent or custodian of a child born. [2]Upon notification of the death of any person it shall be the duty of the physician last in attendance upon the deceased to immediately fill out a certificate of the death giving full name of deceased, medical attendance, date and probable cause of death and duly certify to same and deliver the certificate to the undertaker or person having charge of the corpse, and it shall be the duty of the undertaker to obtain the information necessary to complete the certificate of death from some member of the family of the deceased, or competent person who is able to furnish the facts, and after duly recording the same on the certificate shall cause it to be filed with the local registrar of vital statistics within twenty-four hours after having received the certificate. In case an inquest is required by law, the coroner or the coroner's physician shall fill out the said certificate, and if no inquest is required and no physician was in attendance at the time of death or immediately prior thereto, the health officer of the municipality or his medical assistant shall fill out and file the said certificate. In cities of the first class it shall be the duty of the physician in attendance immediately prior to the death of any person to view the body, and to fill out a certificate of the death and probable cause, and duly certify to same and deliver the certificate to the local registrar of vital statistics within twenty-four hours after such viewing of the body. The person making such medical[3] certificate shall be entitled to the sum of twenty-five cents therefor, which shall be a charge upon, and paid by the municipality where such birth or death occurred. The cost of such registration, not exceeding twenty-five cents for the complete registered record of a birth, or death, shall be a charge upon the municipality. The charge for a copy thereof shall be fixed by the board, not exceeding the same sum for a complete copy of a single registered record

[2] Sentence materially amended.
[3] Word "medical" new.

and the additional sum of twenty-five cents if certified to. Such copies shall be furnished upon request of any person, and when certified to be correct by the president or secretary of the board or local registering officer designated by it shall be presumptive evidence in all courts and places of the facts therein stated. The physician or midwife attending at the birth of a child, shall, at the time of filing such certificate of birth, unless it contains the given name of such child, cause to be furnished to the parents or custodian of such child, a name card, which shall be filled in by such parent or custodian with the given name of such child when named, and immediately filed in the same office where certificates of birth are filed. Blank name cards shall be furnished by local boards of health in the form prescribed by the state department of health, the expense of which shall be a charge upon the municipality. Rules and regulations shall be adopted by local boards of health providing for the enforcement of this section.

§ 2. This act shall take effect immediately.

Chap. 280.

AN ACT to validate the bonds of union free school district number two of the town of Middlebury, county of Wyoming, in the amount of fifteen thousand dollars, sold for the purpose of obtaining money to erect a new schoolhouse in said district, and to legalize the acts and proceedings of the voters, board of education, officers and agents of said district relating thereto, and to provide for the payment of the interest and principal thereof.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All, and each, of the bonds of union free school district number two of the town of Middlebury, county of Wyoming, authorized by an affirmative vote of a majority of the qualified voters of said district present and voting at a meeting held pursuant to notice for the purpose of providing funds for the erection of a new schoolhouse therein, and awarded and sold by the board of education of said district on the thirtieth day of January, nineteen hundred and eleven, to the highest bidder

Bonds validated.

therefor at not less than par on a bid received by said board pursuant to notice published for sealed proposals for the purchase of said bonds, aggregating in amount the sum of fifteen thousand dollars, and consisting of thirty bonds of the denomination of five hundred dollars each, numbered one to thirty inclusive, dated January first, nineteen hundred and ten, and payable two bonds in order as numbered on January first in each of the years nineteen hundred and fourteen to nineteen hundred and twenty-eight inclusive, bearing interest at the rate of four and three-quarters per centum per annum payable annually, are hereby validated and declared to be legal obligations of, and a charge upon, said school district, notwithstanding any defect or irregularity, or omission of any lawful requirement, in the acts and proceedings had and taken by the qualified voters, board of education, officers and agents of said school district, in the matter of the sale and issuance of said bonds; and all such acts and proceedings are hereby legalized, ratified and confirmed and made and declared effectual for the valid issuance and sale of such bonds in the manner and form and with the provisions therein contained as aforesaid; and the treasurer of said school district is authorized and directed to deliver said bonds to the purchasers thereof, their assignee or nominee, upon the receipt of the price bid therefor at said sale.

Acts relative to issuance legalized.

Delivery directed.

Tax for payment.

§ 2. The proper officers of said school district in the manner provided by law, shall cause such amounts to be raised annually, by tax, as may be necessary to pay the interest and the principal of said bonds, as the same shall become due.

Pending actions.

§ 3. This act shall not affect any action or proceeding pending in any court at the time it takes effect.

§ 4. This act shall take effect immediately.

Chap. 281.

AN ACT to amend the military law, in relation to the militia of the state.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 41, § 18 amended.

Section 1. Section eighteen of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the

militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

§ 18. **The adjutant-general of the state, his pay, assistants and employees.** The adjutant-general of the state shall have five[1] assistants, two of the grade of colonel, and three[2] of the grade of lieutenant-colonel,[3] one military storekeeper of the grade of captain, necessary clerks and employees and as many laborers as may be required from time to time. He may by a writing filed in his office designate any one of his assistants to act as adjutant-general of the state in the absence of the latter from the capital city of the state or in case of his inability to perform the duties of his office. There will be allowed to the adjutant-general of the state for his salary five thousand five hundred dollars annually. There shall be allowed annually fifteen thousand three hundred dollars[4] or so much thereof as may be necessary for the salaries of the five[5] assistants and one storekeeper allowed for the office of the adjutant-general of the state. Necessary traveling expenses and subsistence of the adjutant-general of the state and his assistants when traveling on duty and under orders as well as the office expenses including freight, stationery, postage, expressage, clerical services and labor will also be allowed. The adjutant-general of the state may require his assistants and the military storekeeper to give bonds with sufficient surety in not exceeding fifteen thousand dollars each to the people of the state conditioned for the faithful discharge of their duties, such bonds to be approved by the governor and comptroller and filed in the latter's office. The assistants and the military storekeeper shall be at the time of their appointment officers in active service in the military or naval service of the state; they shall be appointed and commissioned by the governor upon the recommendation of the adjutant-general of the state and shall be entitled to all the rights and privileges granted to officers of the national guard in this chapter. The clerks and employees shall be appointed and the laborers hired by the adjutant-general of the state.

§ 2. This act shall take effect immediately.

[1] Formerly "four."
[2] Formerly "one."
[3] Words "and one of the grade of major," omitted.
[4] Formerly $12,500.
[5] Formerly "four."

Chap. 282.

AN ACT to amend the military law, in relation to the naval militia.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 41, § 51 amended.

Section 1. Section fifty-one of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

§ 51. **Staff of the commodore.** The commodore may have a staff consisting of one commander, as chief of staff; one lieutenant-commander, as ordnance officer;[1] one lieutenant-commander, as engineer officer; one surgeon, of the grade of lieutenant-commander; one paymaster, of the grade of lieutenant-commander; one judge-advocate, of the grade of lieutenant-commander; one lieutenant-commander, as signal officer;[2] one lieutenant, as aide; one chaplain, of the grade of lieutenant.[3]

§ 53 amended.

§ 2. Section fifty-three of said chapter is hereby amended to read as follows:[4]

§ 53. **Battalions.** A battalion of the naval militia shall consist of not less than three nor more than eight divisions, of which two may be engineer divisions and one a signal division. A *battallion consisting of four or less than four divisions shall be commanded by a lieutenant-commander with one navigating lieutenant, who shall also be the executive officer and shall rank next after lieutenant-commander and above all lieutenants; one lieutenant, as ordnance officer; one surgeon, of the grade of lieutenant; one paymaster, of the grade of lieutenant; one lieutenant, junior grade, as signal officer; one assistant surgeon, of the grade of lieutenant, junior grade; and one master-at-arms; one chief boatswain's mate; one chief gunner's mate; one chief quartermaster; one chief yeoman; one hospital steward; one paymaster's yeoman; one chief commissary steward; and one chief musician, all of the

* So in original.

1 Words "one lieutenant-commander, as ordnance officer," new.

2 Words "one lieutenant, as gunnery officer who shall also be the inspector of gun practice," omitted.

3 Words "of the grade of lieutenant," new.

4 Section materially amended.

rate of chief petty officers; and musicians at the rate of two for each division, of whom one may be appointed a first-class and one a second-class petty officer. It may also contain three chief electricians, of the rate of chief petty officers; three first-class electricians, of the rate of petty officers, first-class; six second-class electricians, of the rate of petty officers, second-class; nine third-class electricians, of the rate of petty officers, third-class; all of whom may be attached to divisions. A battalion consisting of five or more divisions shall be commanded by a commander with one lieutenant-commander as executive officer; one navigating lieutenant, who shall rank next after lieutenant-commander and above all lieutenants; one lieutenant, as ordnance officer; one surgeon of the grade of lieutenant; one paymaster of the grade of lieutenant; and in battalions containing no signal division, one lieutenant, junior grade, as signal officer; one assistant surgeon of the grade of lieutenant, junior grade; one assistant paymaster of the grade of lieutenant, junior grade; one master-at-arms; one chief boatswain's mate; one chief gunner's mate; one chief quartermaster; one chief yeoman; one hospital steward; one paymaster's yeoman; one chief commissary steward; one bandmaster; one chief musician, all of the rate of chief petty officers; a hospital corps, not to exceed thirteen men, of whom two may be appointed first-class petty officers, and one a second-class petty officer; the remainder being hospital apprentices, who shall rate with seamen; and musicians not to exceed twenty in all, of whom one may be appointed a first-class and one a second-class petty officer. It may also contain three chief electricians, of the rate of chief petty officers; three first-class electricians, of the rate of petty officers, first-class; six second-class electricians, of the rate of petty officers, second-class; nine third-class electricians, of the rate of petty officers, third-class; all of whom may be attached to divisions.

§ 3. Section fifty-four of said chapter is hereby amended to read as follows:[5] § 54 amended

§ 54. **Divisions.** A division may consist of one lieutenant; one lieutenant, junior grade; two ensigns, and enlisted men as herein prescribed. A line division may have five boatswains' mates, first-class; one gunner's mate, first-class; one yeoman, first-class; one quartermaster, first-class; one master-at-arms, second-class; four gunners' mates, second-class; sixty-four first and second-class seamen; and if the division be not part of a battalion,

[5] Section materially amended.

which has all its divisions located within the limits of one city or county, two hospital apprentices, who shall rate with seamen. Its minimum strength shall be forty-one enlisted men. A signal division, in addition to the officers above provided for, shall consist of one yeoman, first-class; one gunner's mate, first-class; five quartermasters, first-class; four quartermasters, second-class; one master-at-arms, second-class; and not more than sixty-four first and second-class seamen. When a signal division consists of less than forty-one enlisted men, then the officers shall not exceed one lieutenant, junior grade, and one ensign. An engineer division may consist of one lieutenant; one lieutenant, junior grade; two ensigns; all of whom shall be commissioned as engineer officers; four chief machinists' mates of the rate of chief petty officers; six machinists' mates of the rate of petty officers, first-class; twelve machinists' mates of the rate of petty officers, second-class; six water tenders of the rate of petty officers, first-class; thirty-three firemen, first and second-class; in addition, there may be assigned to an engineer division, the chief electricians, and the first, second, and third-class electricians provided in section fifty-three. In lieu of these electricians, there may be twenty-one additional firemen, first and second-class. Its minimum strength shall be forty-one enlisted men.

§ 56 amended.

§ 4. Section fifty-six of said chapter is hereby amended to read as follows:

§ 56. **Civilian cooks.** The governor may authorize the employment of cooks by troops on duty under his orders or called out in aid of the civil authority, when such troops do not receive cooked rations, and such cooks shall receive as compensation for their services the pay of petty officers,[6] second-class, while thus employed, paid in the manner that the officers and enlisted men with whom they are serving are paid. The number of cooks that may thus be employed shall not exceed two to a division. For the headquarters of the naval militia and of a battalion the governor may prescribe the number of cooks that may be employed. All civilian[7] cooks shall be subject while thus employed, to the military law, the articles of war and the regulations as if they were regularly enlisted men of the naval militia.

§ 59 amended.

§ 5. Section fifty-nine of said chapter is hereby amended to read as follows:

§ 59. **Appointed officer of the naval militia.** The commodore

[6] Words "petty officers" substituted for words "gun captains."
[7] Words "All civilian" substituted for words "And these."

or captain of the naval militia shall be appointed by the governor. The officers on the staff of the commanding officer of the naval militia, the extra officers allowed battalions for staff duty, surgeons and assistant surgeons of battalions, assistant surgeons of separate divisions and chaplains shall be appointed by the governor upon the recommendation of their immediate commanding officers, except the navigating lieutenant and the ordnance[8] officer of a battalion of naval militia. When the governor desires to create new organizations he shall have the power in the first instance to appoint all the officers necessary to commence and complete such organization.

§ 6. This act shall take effect immediately.

Chap. 283.

AN ACT to amend the military law in relation to enlisted men of the national guard and naval militia.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-seven of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 41, § 97 amended.

§ 97. **Enlistment papers.** Every person who enlists or re-enlists shall sign and make oath to an enlistment paper which shall contain an oath of allegiance to the state and the United States, and be in such form as may be prescribed in the regulations issued under this chapter. Such oath shall be taken and subscribed to before any officer above the rank of first lieutenant or lieutenant, junior grade, or before the commanding officer of a troop, battery, company or division[1] and such officers are hereby authorized to administer such oath; but no enlistment shall be valid until it be approved, in regiments and battalions and squadrons not parts of regiments, by the commanding officer thereof; in the corps of engineers by the colonel; in the coast artillery corps by the ranking

[8] Word "ordnance" substituted for word "gunnery."
[1] Words "or division" new.

officer commanding the artillery district; in detachments attached to the corps of engineers by the colonel of the corps of engineers; and in any other organization, corps or detachment by the commanding officer of the organization or district in which the enlisted man is to serve or to which he is to be attached. A person making a false oath as to any statement contained in such enlistment papers shall upon conviction be deemed guilty of perjury.

§ 2. This act shall take effect immediately.

Chap. 284.

AN ACT to amend the military law, in relation to service of the national guard and naval militia.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 121 added to L. 1909, ch. 41.

Section 1. Chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended by adding thereto a new section to be section one hundred and twenty-one thereof, to read as follows:

§ 121. **Organization when aiding civil authorities.** When two or more companies are called or ordered on duty in aid of the civil authorities by the call or order of a civil officer or officers or otherwise under such circumstances that in the opinion of the major-general they should operate under one commander, a field officer with a suitable staff of commissioned and noncommissioned officers and appropriate detachments of sanitary troops shall be detailed by the commanding officer of the command of which the companies are a part or if they are parts of different commands by the commanding officer of the brigade to which they belong otherwise by the major-general, and whenever one company or less than a company is so called or ordered on duty a suitable detachment of sanitary troops shall be so detailed. Such detailed officers and men shall for all purposes be deemed on duty in aid of the civil authorities as if specifically called or ordered thereon by the civil officer or officers or other authority, civil or military, calling or ordering on duty the companies with which they are detailed. If

such companies render service in more than one county the expenses and compensation of such detailed officers and men shall be apportioned among the counties in which service is rendered by the officer who approves the vouchers and payrolls of the companies with which they are detailed. The provisions of this section shall apply to the naval militia, divisions being considered companies, and the commanding officer and other officers thereof shall possess and exercise the authority given to the major-general and officers of the national guard of assimilated rank, except that when serving with troops of the national guard, the detail of an officer to command the entire force with an appropriate staff shall be made by the major-general.

§ 2. This act shall take effect immediately.

Chap. 285.

AN ACT to amend the military law, in relation to aides.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," as amended by chapter three hundred and seventy-one of the laws of nineteen hundred and nine, is hereby further amended to read as follows:

L. 1909, ch. 41, § 80, as amended by L. 1909, ch. 371, amended.

§ 80. **Supernumerary and retired officers.** Commissioned officers who shall be rendered surplus by reduction or disbandment of organizations or in any manner provided by this chapter now or hereafter, shall be withdrawn from active service and placed upon the supernumerary list. The governor may, upon the recommendation of the major-general or the commanding officer of the naval militia, respectively, detail supernumerary or retired officers for active duty, in which case they shall rank in their grade from the date of such detail, and he may relieve them from such duty and return them to their respective supernumerary or retired list at his discretion. Any officer rendered supernumerary by the operation of this chapter or by any change of organization made in pursu-

ance thereof shall, if appointed within six months after being rendered supernumerary to an office of the same or a lower rank or grade, be recommissioned without examination with the same date of rank held by him at the time he was so rendered supernumerary.[1]

§ 40 added. § 2. Said chapter is further amended by adding thereto a new section, to be known as section forty, and to read as follows:

§ 40. **Aides.** An officer of appropriate grade of any corps, department or arm of the service may be detailed by the governor as an aide to the major-general or to the commanding officer of a brigade. Such a detail shall create a vacancy in the corps, department or command in which the officer is commissioned and this vacancy may be filled in the manner provided by law. An officer so detailed shall be an additional officer in his grade in the corps, department or arm of the service from which he is detailed and he may upon the recommendation of the general officer to whose staff he is detailed be withdrawn at any time from active service and placed upon the supernumerary list by the governor.

§ 3. This act shall take effect immediately.

Chap. 286.

AN ACT to legalize the bonds of school district number seven of the town of Mount Pleasant, Westchester county, in the amount of six thousand dollars, sold for the purpose of obtaining additional funds to complete the construction of a schoolhouse in said district, and to provide for the payment of the same.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bonds legalized

Section 1. All, and each, of the bonds of school district number seven of the town of Mount Pleasant, Westchester county, authorized at a meeting of the qualified voters of said district held pursuant to notice by a vote of thirty-six ayes to one nay, for the purpose of procuring additional funds for the completion of a

1 Words "Upon his own request an officer may be rendered supernumerary for the purpose of accepting a detail as an aide," omitted.

new schoolhouse in said district, and sold on the fourteenth day of January, nineteen hundred and eleven, at not less than par, pursuant to notice given requesting the presentation of sealed proposals for the purchase thereof, consisting of twelve bonds of the denomination of five hundred dollars each, numbered one to twelve inclusive, dated February first, nineteen hundred and eleven, and two of said bonds payable in order as numbered on the first day of February, nineteen hundred and twenty-six, and two on the first day of February annually thereafter until all of said bonds are paid, bearing interest at the rate of five per centum per annum, payable annually, are hereby legalized and declared to be valid obligations of, and a charge upon, said school district, notwithstanding any defect or irregularity, or the omission of any lawful requirement, in the acts and proceedings had and taken by the qualified voters, board of trustees, officers and agents of said school district, in the matter of the issuance and sale of said bonds; and the trustees of said district are authorized to deliver said bonds to the purchaser thereof, whose bid has been accepted on said sale, or to his assignee or nominee upon the receipt of the amount of the purchase price offered therefor at not less than par. Delivery authorized.

§ 2. The proper officers of said school district, in the manner provided by law, shall cause such amounts to be raised annually, by tax, as shall be necessary to pay the interest and principal of said bonds as the same shall become due. Tax for payment.

§ 3. This act shall take effect immediately but shall not affect any action or proceeding pending in any court at the time it takes effect. Pending actions.

Chap. 287.

AN ACT to provide for the repair of the state dam in Black river at Carthage, Jefferson county, and making an appropriation therefor.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of five thousand dollars ($5,000), or so much thereof as may be necessary, is hereby appropriated out of

any moneys in the treasury, not otherwise appropriated, for the purpose of repairing the state dam in Black river at Carthage, Jefferson county; the work thereon to be done under the supervision and direction of the superintendent of public works and in accordance with the plans and specifications to be prepared by the state engineer and surveyor. The moneys hereby appropriated shall be paid out by the state treasurer on the warrant of the comptroller, upon vouchers audited and approved by the superintendent of public works.

§ 2. This act shall take effect immediately.

Chap. 288.

AN ACT in relation to the court of general sessions of the county of New York.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Each of the judges authorized to hold a court of general sessions of the county of New York may appoint a clerk to such judge, each of said clerks to receive a salary to be fixed by the judges of said court, not exceeding twenty-five hundred dollars per annum.

§ 2. This act shall take effect immediately.

Chap. 289.

AN ACT to extend the corporate existence of the Enterprise Land Company; and to validate its conveyance of real estate and the election of its trustees.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate existence extended.

Section 1. For the purpose of selling and conveying by good and sufficient deed any real property of which it may at any time

have been seized in fee, the corporate existence of the Enterprise Land Company, a domestic corporation having its principal office in the city of Buffalo, is hereby extended for a period of twenty years from and after the first day of May, eighteen hundred and ninety-nine, the term of its existence fixed by its certificate of incorporation, with the same force and effect as though that were the period of time fixed by its said certificate for the said corporation to continue.

Deeds legalized.

§ 2. Any and all deeds and conveyances heretofore or hereafter made by or in the name of said Enterprise Land Company of any real property belonging to it, executed under its corporate seal and attested by the acting de-facto proper officers authorized so to do, or pursuant to the authority of its acting de-facto directors or trustees acting as such, are hereby legalized and confirmed and made effectual and valid as fully and for all purposes as if the corporate existence of said corporation had not expired and all acting trustees or directors of said Enterprise Land Company and all officers elected since the first day of May, eighteen hundred and ninety-nine, are hereby declared regular and valid.

Certain officers declared regular.

Pending actions.

§ 3. Nothing in this act contained shall affect any legal action or proceeding pending at the time this act takes effect.

§ 4. This act shall take effect immediately.

Chap. 290.

AN ACT to amend the code of civil procedure, in relation to current docket books.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1245 amended.

Section 1. Section twelve hundred and forty-five of the code of civil procedure is hereby amended to read as follows:

§ 1245. **Certain clerks to keep docket books.** Each county clerk, and the clerk of the city court of the city of New York, must keep one or more books, ruled in columns, convenient for making the entries prescribed in the next section; in which he must docket, in its regular order, and according to its priority, each judgment which he is required by this article to docket. The ex-

pense of procuring new books[1] when necessary is a county charge. [2]The judgment dockets kept by the county clerk of New York county must hereafter have separate volumes for each letter of the alphabet, and each judgment docket book shall have its letter, and the year or years plainly marked on its back and cover and on every page. A judgment docket shall contain the names of those judgment debtors whose last name begins with the letter marked on the back of the volume. Each volume kept by the county clerk of said county shall also have a marginal page index showing each letter of the alphabet in order. A page of the judgment docket shall contain the names of those judgment debtors whose first name begins with the letter or whose first initial is the letter marked on the marginal index for that page; except that there shall be at the back of each volume blank pages not indexed which shall contain the names of those judgment debtors whose first names are unknown or fictitious. And there must be a separate volume which shall contain the names of those judgment debtors that are corporations, a joint stock company, a copartnership or a person or persons doing business under a firm name or style, in which shall be entered the full names thereof indexed according to the first names or the first names following prefixes or initials where there are such. And there must be prepared and kept separate volumes for judgment dockets, lettered, indexed and marked as hereinbefore provided in which there shall be entered in the same manner, in their regular order and according to their priority and as soon as it may be practicable to have it done, the names of judgment debtors against whom judgments have been docketed within ten years of the time of the making of the entry in such volumes.

§ 1245a added.

§ 2. After section twelve hundred and forty-five of the code of civil procedure, there shall be inserted a new section, to be numbered twelve hundred and forty-five-a, and to be as follows:

§ 1245-a. **Current docket books.** The county clerk of New York county must keep one or more books to be known as current docket books. Each half page of space in each book shall be consecutively numbered and shall be devoted to one action. On this half page the clerk shall enter the title of the action, with the names of the plaintiffs and defendants in full, and in chronological order a brief description of each paper as it is filed, together

[1] Formerly read: "procuring a new book."
[2] Remainder of section new.

with the date of filing thereof, also the verdict, report or decision, if any, rendered in the action as of the date of the rendering thereof, also all orders and judgments in the action. All interlocutory and provisional proceedings, and proceedings supplementary to execution, shall be entered on the same half page of the docket as the action out of which they arise, except in actions where the entries are so voluminous as to require one or more additional half pages of space; in which case the entries shall be continued under the same number upon other pages of that or a subsequent docket book, reference thereto being entered at the end of the first and all additional half pages. There shall be kept an alphabetical index in which all the actions entered in such current docket books during any year shall be indexed under that year according to the last names of the plaintiffs, to be so indexed in separate volumes for each letter of the alphabet, each of such volumes having a marginal page index for the first names of the plaintiffs so indexed, in the same manner provided for judgment docket books in section twelve hundred and forty-five, and there shall be kept a separate alphabetical index which shall contain the names of plaintiffs that are corporations, a joint stock company, a copartnership or a person or persons doing business under a firm name or style, in which shall be entered the full name of the corporation, joint stock company, copartnership or person or persons doing business under a firm name or style, indexed according to the first names or initials or first names following prefixes or initials where there are such, in the same manner as provided in said section; and in every case the serial number of the action shall be entered opposite the name indexed. Within three days after a summons, writ or other original process is served in an action in the supreme court, New York county, the attorney or party causing the same to be served shall file said process with proof of service in the office of the clerk who has custody of the records of the court in which the action is brought. The said clerk shall, upon receipt thereof, stamp the same with a certain number to be one of the series for that year, and enter in the current docket book, on the half page bearing the same number, the names of the parties as they appear on said process, and the name and address of the attorney who issued the same. And the attorney or party causing such summons, writ or original process to be served shall, upon demand, give to the party so served, or to the attorney of such

party, the number so stamped by the clerk, stamped or indorsed upon a paper with the title of the action, and the name and address of the attorney or party who made or caused the service to be made. All papers in the action shall bear the same number as the summonses, writ or other original process, which number shall constitute a part of the title of such action. All original papers in the action, with proof or admission of their service, not later than the day after their service, shall be filed with or mailed to the clerk who stamped the number on the summons, writ or other original process. All papers to be hereafter filed with the clerk of New York county must be flat and filed flat. The word "action" as used in this section shall mean "action or special proceeding." Whenever a paper pertaining to any action begun prior to the passage of this act is filed in the office of the clerk who has custody of the records of the court in which the action is pending the clerk shall upon receipt of such paper stamp the same with a certain number, to be one of a series for the year in which such action was brought, and shall enter in a current docket book prepared for that year the names of the parties to the action and the name and address of the attorney who filed the paper, in the same manner as if such paper were the original summons, writ or other process in such action; and the clerk shall as soon as practicable thereafter stamp or indorse that number upon every paper in that action theretofore filed in his office and shall enter such papers, as they are so numbered, in such docket book in the same manner as if such docketing had been begun with the first paper in such action. And all such entries in such docket books of actions begun prior to the passage of this act shall be indexed in separate volumes for each letter of the alphabet, and for corporations, a joint stock company, a copartnership or a person or persons doing business under a firm name or style, in the same manner as actions begun after the passage of this act are hereinbefore directed to be indexed. Whenever an action is transferred to another court, or the place of trial changed, the clerk to whom the papers in such action are delivered shall enter in the current docket book copies of all entries theretofore made in said action, and shall continue to make subsequent entries in the same manner as if the process had originally been filed with him. All papers numbered and docketed as herein directed shall be filed together; and on the entry of final judgment in any action all the papers in that action shall be arranged in the order of the dates on

which they were filed and shall be fastened or bound together flat with the judgment-roll and so filed. The county clerk of New York county shall appoint, subject to the rules of the state civil service commission, such subordinates as may be necessary for the work required to be done in his office under the provisions of this act, and shall designate the positions and fix the compensation of such subordinates, subject to the approval of the board of estimate and apportionment of the city of New York; and the comptroller of the city of New York shall issue and sell revenue bonds to an amount sufficient to provide for the payment of the salaries of such subordinates during the year nineteen hundred and eleven, which shall be a charge against the county of New York, and an amount sufficient to pay and discharge the bonds so issued shall be included in the budget made by said board of estimate and apportionment for the year nineteen hundred and twelve.

§ 3. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

Chap. 291.

AN ACT to amend chapter six hundred and sixty-one of the laws of nineteen hundred and six, entitled "An act to provide for a better arrangement, indexing and preservation of the records, documents, books, maps and papers, deposited or filed in the office of the clerk of the county of New York."

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter six hundred and sixty-one of the laws of nineteen hundred and six is hereby amended so as to read as follows: L. 1906, ch. 661, § 2 amended.

§ 2. It shall be the duty of said commissioner of records to examine into the arrangement and condition of the records, documents, books, maps and papers, deposited or filed in the office of the clerk of the county of New York, and as to the condition and sufficiency of the indices of such records, documents, books, maps and papers, and to do or cause to be done, as he may determine and direct, whatever may be necessary to provide for the restora- Commissioner of records to provide for restoration, preservation and convenient reference to records in county clerk's office.

tion, preservation, and convenient reference to, and such examination and use of such records, documents, books, maps, papers and indices, as the public interest may require, and to cause copies thereof to be made whenever by reason of age, use, exposure or any casualty, such copies shall in his judgment be necessary.

Certified copies as evidence.

Whenever such a copy is made, and after it has been compared with the original, it shall be certified by said commissioner, and shall thereafter be considered and accepted as evidence and for all other purposes, the same as the original would be; provided that the original shall be placed in a suitable inclosure by said commissioner and preserved, properly indorsed and indexed, for such examination as may be directed by an order of court in any proceeding in which the accuracy of the copy is questioned. [1]The

Steel file cases.

records, documents, books, maps and papers, deposited or filed in the office of the clerk of the county of New York in the county courthouse and which are or may be hereafter kept there, or in any other building that may be designated or occupied as a depository for such records, documents, books, maps and papers, in the county of New York, shall be placed and kept in steel file cases which shall be provided without unnecessary delay for all the record rooms in said courthouse and shall be erected upon fireproof floors in said record rooms, or in such record rooms as may be hereafter provided in some other building. Such steel file cases shall be so constructed as to be removable and adapted for use in the hall of records, or elsewhere, as may be hereafter required.

Electric lighting.

All of said record rooms in said courthouse, or in any other building, shall be lighted by electricity and no gas, exposed or unprotected lights shall be permitted to be used therein. The plans for such steel file cases and for the electric lighting of such cases and rooms, and for the necessary furnishings required in connection therewith, and for fireproof floors where required, with the necessary forms of contract and specifications shall be prepared by said commissioner of records or as he shall direct, and he may employ an architect to do the technical and professional work necessary for the preparation of such plans, contract or contracts and specifications. When said plans, contract or contracts and specifications shall have been prepared they shall be reported with an estimate of the cost thereof to the board of estimate and apportionment of the city of New York, and said board shall authorize the comptroller of the city of New York to issue and sell corpo-

[1] Remainder of section new.

rate stock to an amount sufficient to pay the cost of such steel file cases and furnishings, and the work shall be done under the direction of said commissioner pursuant to the terms of such contract or contracts, made at public letting pursuant to the general provisions of the law and ordinances regulating the letting of contracts in the city of New York.

§ 2. This act shall take effect immediately.

Chap. 292.

AN ACT to amend chapter six hundred and sixty-one of the laws of nineteen hundred and six, entitled "An act to provide for a better arrangement, indexing and preservation of the records, documents, books, maps and papers, deposited or filed in the office of the clerk of the county of New York," as amended by chapter four hundred and seventy-one of the laws of nineteen hundred and nine.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four-c of chapter six hundred and sixty-one of the laws of nineteen hundred and six, as amended[1] by chapter four hundred and seventy-one of the laws of nineteen hundred and nine, is hereby amended so as to read as follows:

L. 1906, ch. 661, § 4c, as added by L. 1909, ch. 471, amended.

§ 4-c. The salary of said commissioner of records and the compensations of his deputy, secretary, superintendent, assistant superintendent, assistants, clerks, employees and laborers, and other necessary expenses, including such books, materials and supplies as said commissioner may determine to be required for the indexing or reindexing of records, and for the restoration, preservation or copying of old and mutilated records, as is directed to be done by section two of this act,[2] shall be paid in the manner provided by law for the payment of the salaries of county officers, and of the necessary expenses of county offices, in the county of New York, as audited by the comptroller of the city of New

Salaries and expenses, how paid.

[1] Should read "added."
[2] Words "including such books . . . of this act," new.

Aggregate amount limited.

York; but such salary, compensations and expenses[3] shall not exceed the sum of eighty-five thousand dollars[4] in any one year, until the completion of the transfer of the records to the Hall of Records, as directed by this act and by chapter seven hundred and twelve of the laws of nineteen hundred and seven, and of the examination, restoration and recopying of the old and mutilated records, and the indexing or[5] reindexing of the records in the office of the clerk of the county of New York, and thereafter shall not exceed the sum of forty-five thousand dollars[6] in any one year;

Purchase and preservation of books, papers, etc., of historic value, authorized.

and said commissioner is hereby authorized to purchase for the county of New York, to be preserved as a part of the public records in the office of the clerk of said county, such books, papers, newspaper files or manuscripts, printed in or pertaining to said county and having in his judgment historic value or containing information of public interest, and to provide for the care and preservation thereof in the manner directed for the care and preservation of the public records in the office of the clerk of the county of New York by section two of this act, provided that there shall not be expended for such purchase or purchases an amount to exceed fifteen thousand dollars, and that no such purchase shall be made unless approved by the board of estimate and apportionment of the city of New York;[7] and the comptroller of the city of New York is hereby authorized and directed to issue and sell revenue bonds to such amount as may be necessary to provide for the payment of such salary, compensations and expenses, and for such purchases,[8] during the year nineteen hundred and eleven[9] in addition to the sum now appropriated for such purposes during that year.

§ 2. This act shall take effect immediately.

[3] Words "and expenses" new

[4] Formerly $75,000.

[5] Words "indexing or" new.

[6] Formerly $40,000.

[7] Words "and said commissioner is hereby authorized . . . city of New York," new.

[8] Words "and expenses, and for such purchases," new.

[9] Formerly 1909.

Chap. 293.

AN ACT to amend the state finance law, in relation to the deposits in banks of moneys received by state institutions.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nineteen of chapter fifty-eight of the laws of nineteen hundred and nine, entitled "An act in relation to state finance, constituting chapter fifty-six of the consolidated laws," as amended by chapter seventy-seven of the laws of nineteen hundred and ten, is hereby amended to read as follows: L. 1909, ch. 58, § 19, as amended by L. 1910, ch. 77, amended.

§ 19. **Deposit in banks of moneys received by state institutions.** Every state institution supported, in whole or in part, by the state, shall deposit at interest, all its funds[1] in a bank or trust company, which shall give a bond with sufficient sureties for the security of such deposit, to be approved by the comptroller and filed in his office, or may in lieu of such surety bond deposit with the comptroller outstanding unmatured bonds issued by the state of New York for which the comptroller shall deliver a certificate of deposit containing the conditions of said surety bond. On the withdrawal of all moneys from any such depository and a closing and settlement of the account thereof, the comptroller may in his discretion certify to such settlement and direct the surrender of such surety bond or deposit to the obligors or owner entitled thereto.

§ 2. This act shall take effect immediately.

[1] Words "received from sources other than the state," omitted.

Chap. 294.

AN ACT to amend the finance law, in relation to deposits of moneys by state officers.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 58, § 10 amended

Section 1. Section ten of chapter fifty-eight of the laws of nineteen hundred and nine, entitled "An act in relation to state finance, constituting chapter fifty-six of the consolidated laws," is hereby amended to read as follows:[1]

§ 10. **Deposit of moneys by state officers.** Every state officer or other person except the state treasurer, receiving or disbursing moneys belonging to the state, shall deposit at such rate of interest as the comptroller may fix all the moneys received by him, to his official credit in a bank or trust company, to be designated by the comptroller, which shall give a bond with sufficient sureties for the security of such deposit, to be approved by the comptroller and filed in his office, or may, in lieu of such surety bond, deposit with the comptroller outstanding unmatured bonds issued by the state of New York for which the comptroller shall deliver a certificate of deposit containing the conditions of said surety bond. On the withdrawal of all moneys from any such depository and a closing and settlement of the account thereof, the comptroller may in his discretion certify to such settlement and direct the surrender of such surety bond or deposit to the obligors or owner entitled thereto.

§ 2. This act shall take effect immediately.

[1] Section materially amended.

Chap. 295.

AN ACT to amend the state finance law, in relation to the deposit in banks of moneys by charitable and benevolent institutions.

Became a law June 7, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven of chapter fifty-eight of the laws of nineteen hundred and nine, entitled "An act in relation to state finance, constituting chapter fifty-six of the consolidated laws," is hereby amended to read as follows:[1] L. 1909, ch. 58, § 11 amended.

§ 11. **Deposit of moneys by charitable and benevolent institutions.** Every charitable and benevolent institution supported, in whole or in part, by the state, shall deposit at interest, all its funds received from the state in a bank or trust company, which shall give a bond with sufficient sureties for the security of such deposit, to be approved by the comptroller and filed in his office, or may, in lieu of such surety bond, deposit with the comptroller outstanding unmatured bonds issued by the state of New York for which the comptroller shall deliver a certificate of deposit containing the conditions of said surety bond. On the withdrawal of all moneys from any such depository and a closing and settlement of the account thereof, the comptroller may in his discretion certify to such settlement and direct the surrender of such surety bond or deposit to the obligors or owner entitled thereto.

§ 2. This act shall take effect immediately.

[1] Section materially amended.

Chap. 296.

AN ACT to amend the election law, as to definition of a cross × mark.

Became a law June 9, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 22, § 358 amended.

Section 1. Section three hundred and fifty-eight of chapter twenty-two of the laws of nineteen hundred and nine, entitled "An act in relation to the elections, constituting chapter seventeen of the consolidated laws," is hereby amended to read as follows:

§ 358. **Preparation of ballots by voters.** On receiving his ballot the voter shall forthwith and without leaving the inclosed space retire alone, unless he be one that is entitled to assistance in the preparation of his ballot, to one of the voting booths, and without undue delay unfold and mark his ballot as hereafter prescribed. No voter shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and voters waiting to occupy the same.

It shall not be lawful to make any mark upon the official ballot other than the cross × mark made for the purpose of voting, with a pencil having black lead, and that only in the circles or in the voting spaces to the left of the names of the candidates, or to write anything thereon other than the name or names of persons not printed upon the ballot for whom the voter desires to vote in the blank column under the proper title of the office, with a pencil having black lead; nor shall it be lawful to deface or tear a ballot in any manner, nor to erase any printed device, figure, letter or word therefrom, nor to erase any name or mark written thereon by such voter. If a voter deface or tear a ballot or one of a set of ballots or wrongly mark the same, he may successively obtain others, one set at a time, not exceeding in all three sets, upon returning each set of ballots so defaced or wrongly marked to the ballot clerks.

The voter should observe the following rules in marking his ballot:

Rule 1. If the voter desires to vote a straight ticket, that is, for each and every candidate of one party for whatever office nomi-

nated, he should mark a cross X mark in the circle above the name of the party at the head of the ticket.

Rule 2. If the voter desires to vote a split ticket, that is, for candidates of different parties, he should not make a cross X mark in the circle above the name of any party, but should make a cross X mark in the voting space before the name of each candidate for whom he desires to vote, on whatever ticket he may be.

Rule 3. If the ticket marked in the circle for a straight ticket does not contain the names of candidates for all offices for which the voter may vote, he may vote for candidates for such offices so omitted by making a cross X mark before the names of candidates for such offices on other tickets, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office.

Rule 4. If the voter desires to vote for any person whose name does not appear upon the ballot, he can so vote by writing the name with a pencil having black lead in the proper place in the blank column.

Rule 5. The voter can vote blank for any office by omitting to make a cross X mark in any circle, and making a cross X mark in the voting space before the name of every candidate he desires to vote for, except for the office for which he desires to cast a blank vote.

Rule 6. In the case of a question submitted, the voter shall make a cross X mark in the blank square space on the right of and after the answer, "Yes" or "No," which he desires to give on each such question submitted.

Rule 7.[1] Any straight line crossing any other straight line at any angle within a party circle, or within a voting space, shall be deemed a valid voting mark.

§ 2. Section three hundred and sixty-eight[2] of such chapter is hereby amended to read as follows: § 368 amended.

§ 368. **Intent of voters.**

Rule No. 1. If the voter shall have made a voting mark in the circle above one ticket only, and no other voting mark appears on any other ticket or tickets, and if no name shall have been written in the blank column, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle.

Rule No. 2. If the voter shall have made a voting mark in the

[1] Rule 7 formerly read: "One straight line crossing another straight line at any angle within a party circle, or within the voting spaces, shall be deemed a valid voting mark."

[2] Section 368 is further amended by L. 1911, ch. 649, post.

circle above one ticket only, and shall have also made a voting mark or marks in the voting space or spaces before the name or names of a candidate or candidates only on the ticket so marked in the circle, the voting marks in the spaces before the names of candidates on such ticket shall be treated as surplusage, and his vote shall be deemed to have been cast for all the candidates on the ticket so marked in the circle.

Rule No. 3. If the voter shall have made a voting mark in the circle above one ticket only, and shall have also made a voting mark in the voting space or spaces before the name or names of a candidate or candidates on one or more other tickets, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle, except for those for whom he has indicated his intention not to vote, by making a voting mark in the voting space before the name or names of individual candidates, on one or more other tickets, or by writing a name in the blank column; and the candidate or candidates so individually voted for on such other ticket or tickets shall be deemed to be the voter's choice for such office or offices; provided, however, that:

Rule No. 4. When two or more persons are to be voted for for the same office, as two or more justices of the supreme court or presidential electors, and the names of the several candidates therefor are printed under the title of the office for which all are running, and the voter shall have made a voting mark in the circle at the head of a ticket, and shall also have made a voting mark in the voting space before the name of one or more of a group of candidates for such office on other tickets, provided that he shall not have marked the names of two or more of such candidates upon the same line upon the ballot, he shall be deemed to have cast his vote for all the candidates for such office so individually marked and for those marked in the circle, except for those candidates under such circle so marked whose names are upon the same line on the ballot as the names of the candidates so individually marked, or written in the blank column, unless in addition to making the voting mark in the circle at the head of the ticket he shall also have made a voting mark before each one of the group of candidates for such office for whom he desires to vote on the ticket so marked in the circle; provided further, however, that:

Rule No. 5. When two or more persons are to be voted for for the same office, as two or more justices of the supreme court or presidential electors, and the names of the several candidates

therefor are printed on any ticket under the title of the office for which all are running, and the voter shall have made a voting mark in the circle at the head of the ticket, and shall also have made a voting mark in the voting space before the name of more than one of the group of candidates for such office printed on the same line on the ballot on other tickets, or by writing the name or names of a candidate or candidates in the blank column, he must also indicate by voting marks in the voting spaces on the ticket so marked in the circle the individual candidates of the group of candidates on such ticket for whom he desires to vote, or his vote shall only be counted for the candidates for such office which are so individually marked on other tickets, or written in the blank column.

Rule No. 6. If the voter shall have made a voting mark in more than one circle at the head of the tickets, and if on either of such tickets there shall be one or more candidates for office for which no other candidate or candidates is or are named on such other ticket or tickets so marked in the circle, his vote shall be counted for such candidate or candidates.

Rule No. 7. Subject to the foregoing rules if the voter marks more names than there are persons to be elected to an office, or if for any other reason it is impossible to determine the voter's choice of a candidate for an office to be filled, his vote shall not be counted for such office but shall be returned as a blank vote for such office.

Rule No. 8. In the case of a question submitted, if the voter shall have made a voting mark in the voting space after the printed word "Yes," his vote shall be deemed to be in favor of the adoption of the question submitted; if he shall have made a voting mark in the voting space following the printed word "No," his vote shall be deemed to be against the adoption of the question submitted.

Rule No. 9. A void ballot is a ballot upon which there shall be found any mark other than a [3]cross × mark made for the purpose of voting, which voting mark must be made with a pencil having black lead, only in the circles or in the voting spaces to the left of the names of candidates; or one upon which anything is written other than the name or names of persons not printed upon the ballot, for whom the voter desires to vote, which must be written in the blank column under the proper title of the office with a pencil having black lead; or one which is defaced or torn by the voter; or upon which there shall be found any erasure of any

[3] Word "single" omitted.

printed device, figure, letter or word, or of any name or mark written thereon, by such voter; or in which shall be found inclosed a separate piece of paper or other material; and upon such ballot no vote for any candidate thereon shall be counted; [3]but no ballot shall be declared void because a cross mark thereon is irregular in character.

In effect Sept. 1, 1911.

§ 3. This act shall take effect on September first, nineteen hundred and eleven.

Chap. 297.

AN ACT to incorporate Carnegie Corporation of New York.

Became a law June 9, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

Section 1. Andrew Carnegie, Elihu Root, Henry S. Pritchett, William N. Frew, Robert S. Woodward, Charles L. Taylor, Robert A. Franks, James Bertram, and their successors, are hereby constituted a body corporate by the name of Carnegie Corporation of New York, for the purpose of receiving and maintaining a fund or funds and applying the income thereof to promote the advancement and diffusion of knowledge and understanding among the people of the United States, by aiding technical schools, institutions of higher learning, libraries, scientific research, hero funds, useful publications, and by such other agencies and means as shall from time to time be found appropriate therefor.

Corporate name.

Purpose.

Rights as to property.

§ 2. The corporation hereby formed shall have power to take and hold, by bequest, devise, gift, purchase or lease, either absolutely or in trust, for any of its purposes, any property, real or personal, without limitation, as to amount or value, except such limitation, if any, as the legislature shall hereafter impose, to convey such property and to invest and reinvest any principal and deal with and expend the income of the corporation in such manner as in the judgment of the trustees will best promote its objects. It shall have all the power and be subject to all the restrictions which now pertain by law to membership corporations so far as the same are applicable thereto and are not

Application of membership corporations laws.

[3] Remainder of section new.

inconsistent with the provisions of this act. The persons named in the first section of this act, or a majority of them, shall hold a meeting and organize the corporation and adopt a constitution and by-laws not inconsistent with the constitution and laws of this state. The constitution shall prescribe the qualifications of members, the number of members who shall constitute a quorum for the transaction of business at meetings of the corporation, the number of trustees by whom the business and affairs of the corporation shall be managed; the qualifications, powers, and the manner of selection of the trustees and officers of the corporation, and any other provisions for the management and disposition of the property and regulation of the affairs of the corporation which may be deemed expedient. Organization; constitution and by-laws.

§ 3. This act shall take effect immediately.

Chap. 298.

AN ACT to amend the liquor tax law, in relation to the issuance and transfer of liquor tax certificates and abandonment notices.

Became a law June 9, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision nine of section eight of chapter thirty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the traffic in liquors and for the taxation and regulation of the same, and to provide for local option, constituting chapter thirty-four of the consolidated laws," as added by chapter four hundred and ninety-four of the laws of nineteen hundred and ten, is hereby amended to read as follows: L. 1909, ch. 39, § 8, subd. 9, as added by L. 1910, ch. 494, amended

9. Issuance of certificates. No liquor tax certificate shall hereafter be issued for traffic in liquors, under the provisions of subdivision one of this section, for any premises in any town, village, borough or city, unless or until the ratio of population therein, to the number of certificates issued under the provisions of said subdivision one, shall be greater than seven hundred and fifty to one, and then only pursuant to the provisions of this

subdivision; but this prohibition shall not apply to any premises in which such traffic in liquors was lawfully carried on at some time within one year immediately preceding the passage of this act, provided such traffic was not abandoned thereat during the said period, or to any premises that have been continuously occupied for a hotel from and including the twenty-third day of March, eighteen hundred and ninety-six; nor shall this prohibition apply to any premises in which, during said period of one year, or any part thereof, such traffic in liquors was suspended because of the result of a vote on the local option questions; nor to any premises in which during said period of one year, or any part thereof, such traffic in liquors was prohibited because of the revocation or forfeiture of a liquor tax certificate on the ground that the certificated premises were suffered and permitted to become disorderly, or that gambling was allowed therein, as provided in subdivision eight of section fifteen[1] of this chapter; nor to any premises in which, during said period of one year, or any part thereof, such traffic in liquors has been temporarily suspended, but not abandoned. Nor shall this prohibition apply to such traffic in liquors in connection with the business of keeping a hotel, provided the hotel building in which such traffic shall be carried on shall conform to all the requirements of clause N of section thirty[2] of this chapter, relative to a hotel situate in a city, incorporated village of twelve hundred or more inhabitants, or within two miles of the corporate limits of either, except that, instead of having ten bedrooms above the basement, exclusive of those occupied by the family and servants, such hotel building shall contain not less than one hundred such bedrooms. Provided, however, that at any time during the unexpired term of any liquor tax certificate issued for traffic in liquors under the provisions of subdivision one of this section in any premises in which such traffic may lawfully be carried on, a notice stating that such traffic in liquors is abandoned at the premises named in such certificate may be filed with the county treasurer or special deputy commissioner of excise of the county or borough in which the certificated premises are located, which notice shall also particularly describe some other premises in which it is intended to carry on such traffic, which premises shall be situated in the same city, borough, village or town as that in which

[1] As amended by L. 1909, ch. 281, and L. 1910, chaps. 485, 503.
[2] As amended by L. 1910, ch. 494.

the abandoned premises are located. In the case of a hotel, other than a hotel containing less than fifty such bedrooms in cities of the first class,[3] such notice shall be in writing and executed and acknowledged by the certificate holder and the owner or owners of the certificated premises and by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned or any other obligation incurred; and in all other cases such notice shall be in writing and executed and acknowledged by the certificate holder or by his duly authorized attorney[4] and by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned or any other obligation incurred; but in any case[5] such notice shall be null and void unless within sixty days from the filing thereof such traffic in liquors shall be lawfully carried on at the premises described in such notice as the premises in which it is intended to carry on such traffic, and continued thereat for a period of not less than sixty days,[6] and the filing of a notice that becomes null and void shall not be deemed an abandonment of the traffic at the premises described in such liquor tax certificate. After the filing of such notice as aforesaid, the prohibition herein contained shall not[7] apply to the premises described in such notice as the premises in which it is intended to carry on such traffic, provided that an application for a certificate to carry on such traffic in liquors thereat shall be made in due form to the proper officer, within sixty days from the filing of such notice, and provided further that such traffic is continuously thereafter carried on at said premises for a period not less than sixty days.[6] Except in a case where such notice becomes null and void as aforesaid, no liquor tax certificate for traffic in liquors under the provisions of subdivision one of this section shall thereafter be issued for, and it shall be unlawful to so traffic in liquors in the premises described in such notice as the premises in which the traffic in liquors has been abandoned, unless there shall subsequently be filed another notice of abandonment, in the manner herein provided, which notice shall describe such first abandoned premises as the premises in which it

[3] Words "other than a hotel containing less than fifty such bedrooms in cities of the first class," new.

[4] Words "or by his duly authorized attorney," new.

[5] Words "except that of a hotel," omitted.

[6] Formerly "one year."

[7] Words "in the case of a hotel, attach or apply to the premises described in such notice as the premises in which it is intended to carry on such traffic in liquors in connection with the business of keeping a hotel, and in all other cases such prohibition shall not," omitted.

is intended to again carry on such traffic in liquors. Whenever the ratio between the population of any city, borough, village or town, and the number of such premises situate therein for such traffic in liquors to which this prohibition does not apply, shall exceed the ratio of seven hundred and fifty to one, additional certificates for traffic in liquors under the provisions of subdivision one of this section may be issued, as provided in this chapter, in the manner following:

The certificate issuing officer of the county or borough in which any such city, borough, village or town is situated, shall, upon the written request of any person who states that he desires to traffic in liquors therein under the provisions of subdivision one of this section, give public notice that on a certain day named he will receive bids in writing, at his office, from all persons who desire to so traffic in liquors, such bids to contain the name of the person who desires to procure a liquor tax certificate, the location of the proposed certificated premises, and the amount that such person is willing to pay in order to so traffic in liquors. Each bid shall be accompanied by an application, in due form, for such a certificate for the premises described, which shall include an application statement and bond, as provided in sections fifteen[8] and sixteen[9] of this chapter, and the amount named in the bid, in the form of a certified check, which amount shall at least equal the tax assessed upon such traffic in such city, borough, village or town; and the bid, together with the application for the certificate, shall be inclosed in one envelope, securely sealed, and addressed to the certificate issuing officer. In the case of a city or borough, such notice shall be published at least three days before the day named therein for receiving bids, once in one newspaper published in such city or borough, and such notice shall also be printed in large display type and prominently posted up in the office of the certificate issuing officer, at least ten days before the day appointed for receiving bids. In the case of a village or town, such notice shall be published at least five days before the day named for receiving bids, in one newspaper published in the county in which such village or town is situated, which shall be a newspaper published in such village or town, if there be one, and such notice shall also be printed and posted in at least five public places in such village or town at

[8] As amended by L. 1909, ch. 281, and L. 1910, chaps. 485, 494, 503.
[9] As amended by L. 1910, ch. 484, and L. 1911, ch. 223.

least ten days before the day so appointed for receiving bids. On the day so appointed for receiving bids in the case of any such city, borough, village or town, the certificate issuing officer shall receive all bids that may be submitted to him as herein prescribed, and on the following day shall, at his office, and at a time to be specified in the notice aforesaid, publicly open each and all of such bids submitted, and as soon thereafter as possible prepare a list which shall contain the name of each person who submitted a valid bid, together with the amount thereof, which list shall be a public record. Certificates shall thereupon be issued pursuant to the provisions of this chapter to the persons who made the highest bids therefor, and otherwise complied with the requirements of this section, but only upon the basis of one certificate for each seven hundred and fifty population in excess of the ratio herein prescribed, the issuance of such certificates to be made in order to the highest bidders therefor, who comply with all such requirements. In any town or village having a population less than seven hundred and fifty, and in which there are no premises to which the prohibition contained in this subdivision does not apply, one liquor tax certificate for traffic in liquors under subdivision one of this section may, if such traffic is permissible, be issued to the person who shall offer to pay the highest amount for the right to traffic under such certificate, provided such amount shall at least equal the tax assessed upon such traffic in such town or village. For the purpose of determining who is the highest bidder for such right to traffic, the certificate issuing officer shall, upon written request, give public notice that on a certain day named he will receive bids in writing from all persons who desire to so traffic in liquors, and all the foregoing provisions contained in this subdivision relative to bidding for the right to traffic in liquors in any town or village shall be applicable to bids for the right to traffic in such town or village having a population less than seven hundred and fifty.

§ 2. This act shall take effect immediately.

Chap. 299.

AN ACT to amend the forest, fish and game law, in relation to spearing fish in Lake Cayuga.

Became a law June 10, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 24, § 150, as amended by L. 1909, ch. 474, amended.

Section 1. Section one hundred and fifty of chapter twenty four of the laws of nineteen hundred and nine, entitled "An act relating to the protection of the forests, fish and game of the state, constituting chapter nineteen of the consolidated laws," as amended by chapter four hundred and seventy-four of the laws of nineteen hundred and nine,[1] is hereby amended to read as follows:

§ 150. **Fishing in Seneca and Cayuga lakes.** Nets or seines, the meshes of which shall not be less than two-inch bar, may be used in Seneca lake and in that portion of Cayuga lake lying south of a straight line drawn from East Varick to Lavana and north of a straight line drawn from Glenwood to Esty Glen from May first to September fifteenth, both inclusive. [2]Any fish except black bass and pike perch may be taken in that portion of Cayuga lake between a straight line extending from Taughannock point to Mile point and a straight line extending from East Varick landing to Lavana landing, by spearing, from April fifteenth to June fifteenth, both inclusive.

§ 2. This act shall take effect immediately.

[1] Section 150 is again amended by L. 1911, ch. 582, post. See note to that chapter.

[2] Remainder of section new.

Chap. 300.

AN ACT to provide for the extension of Hickory street, in the city of Utica, across the state hospital grounds, in such city.

Became a law June 12, 1911, with the approval of the Governor. Passed by a two-thirds vote.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Land in hospital grounds released to city.

Section 1. The state hereby releases to the city of Utica a strip of land in the state hospital grounds, to be surveyed and suitably marked by the state engineer and surveyor, as soon as practicable after this act takes effect, and to consist of the lands in such grounds within the north and south boundary lines of Hickory street produced westerly from the present westerly terminus of such street at York street. The purpose of this release is to enable said city to extend Hickory street across said grounds and thence to the western boundaries of the city, and such release is conditioned on the use of the released premises as a public street or avenue of said city; and when it ceases to be so used the title thereto shall revert to the state. Unless the common council of said city shall begin to make substantial improvements of said premises as a street within one year from the time this act takes effect, and shall before the said street is opened for public use provide an overhead or underground passage at the election of the lunacy commission of the state of New York over or under said street for the use of the inmates of said Utica State Hospital, or if it shall unduly delay the consummation thereof, said city shall be deemed to have abandoned the same and said release shall thereby be and become of no effect. Power to make such improvements, in the same manner that said city is authorized by any general or local act to thus improve property acquired in opening new streets, with the same force and effect as if said premises had been private property acquired by condemnation or purchase, is hereby conferred upon the common council of said city; but the state shall not be chargeable with any part of the cost of such improvements nor of the expense of future maintenance of said street. When opened to the public and improved as a street, such premises shall be under the jurisdiction of said city, its common council or other appropriate board or officer, the same as other public streets therein.

Purpose and conditions of release.

Authority of city to make improvements.

State not liable.

Street under jurisdiction of city.

§ 2. This act shall take effect immediately.

may take such evidence as it may deem necessary, or may appoint a referee to take evidence and to hear, try and determine all questions raised by the petition and the return thereto and to make his findings and determinations therein, or, on motion of either party, the court may direct the place of trial changed to the county in which the special franchise under review is situated, and on an order duly entered granting such motion, the place of trial shall be deemed changed to the county designated and the papers and proceedings shall be certified to that county in the manner now provided by law in the case of a change in the place of trial of an action and all subsequent proceedings shall be had in the county so designated, as if the special proceedings had been originally instituted in that county, and the court may, upon the application of the attorney-general, upon cause shown, vacate any reference heretofore made in any proceeding instituted to review a special franchise assessment, made pursuant to the provisions of section forty-six of this chapter. The governor may, upon the application of the attorney-general, upon cause shown, appoint extraordinary terms of the supreme court to be held in any judicial district and designate a justice to preside thereat, to try such special franchise cases. Such extraordinary term shall have jurisdiction over all special franchise cases arising in any tax district within the judicial district for which the term is appointed, without regard to the county in which the term is being held, and either party to a proceeding to review a special franchise assessment may at any time bring the proceeding on for a hearing or trial before said extraordinary term by serving upon the other party sixteen days' notice thereof by mail or fourteen days' notice personally. A new assessment or correction of an assessment made by order of the court shall have the same force and effect as if it had been so made by the proper officers within the time prescribed by law for making such assessment.

§ 2. This act shall take effect immediately.

Chap. 303.

AN ACT to amend the insurance law, in relation to the powers of co-operative fire insurance corporations doing business on the assessment plan.

Became a law June 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and sixty-six of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter three hundred and twenty-eight of the laws of nineteen hundred and ten, is hereby amended to read as follows: L. 1909, ch. 33, § 266, as added by L. 1910, ch. 328, amended.

§ 266. **General provisions affecting assessment corporations only.** The following provisions shall affect corporations doing business on the assessment plan, pursuant to the provisions of this article.

1.[1] Such corporations may issue policies of insurance on detached dwelling houses, barns, hop houses, cheese factories, creameries, school buildings and other buildings, and the contents of any such buildings, on farm produce and other property not more hazardous and on live stock; provided that no such policy shall be issued for more than seven thousand dollars on any one risk, or, if such policy is against loss or damage by reason of larceny, to the extent of not more than five hundred dollars on any one risk.

2. Every such corporation may classify the buildings or property insured therein at the time of the insurance and issue policies under different rates. [2]Every such corporation may collect at the time of the issue of a policy such survey, policy and membership fees, or any of them, not to exceed the sum of two dollars for all of such fees, and such percentage of the amount insured, not to exceed one-tenth of one per centum of the amount insured for each year of the term of insurance, as the by-laws may provide.

3. Every such corporation may borrow, on the credit of the corporation, sufficient to pay any loss, or make an assessment upon all the property insured, pro rata, according to the classification

[1] Subd. 1 materially amended.
[2] Following sentence new.

or according to the amount insured, as may be provided in the by-laws, sufficient to pay such loss. If it is deemed to be for the best interest of the corporation, such corporation may estimate the amount necessary to pay all losses and expenses for the current year and to supply any deficiency in the preceding year, and assess and collect the same from the members of the corporation. Each assessment shall be made pro rata upon all the property at the time insured, according to its classification or according to the amount insured. [2]The expense and cost of collection of assessments may be regulated by the by-laws.

§ 2. This act shall take effect immediately.

Chap. 304.

AN ACT to amend the Greater New York charter, in relation to the deposit of public moneys of the city of New York.

Became a law June 12, 1911, with the approval of the Governor. Passed three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1897, ch. 378, § 196, as re-enacted by L. 1901, ch. 466, and amended by L. 1904, ch. 343, amended.

Section 1. Section one hundred and ninety-six of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, as amended by chapter three hundred and forty-three of the laws of nineteen hundred and four, is hereby further amended so as to read as follows:

Depositories of public moneys; manner of designation.

§ 196. The said chamberlain and mayor and comptroller shall, by a majority vote, by written notice to the comptroller designate the banks or trust companies, in which all moneys of the city of New York shall be deposited, and may, by like notice in writing, from time to time, change the banks and trust companies thus designated; but no such bank or trust company shall be designated unless its various officers shall agree to pay into the city treasury interest on the daily balances at a rate to be fixed by the mayor and chamberlain and the said comptroller of the city of New York, by a majority vote, which rate shall be so fixed quarterly, on the first days of February, May, August and Novem-

Interest on deposits.

[2] Following sentence new.

ber in each year, according to the current rate of interest upon like balances deposited in banks and trust companies in the city of New York by private persons or corporations. [1]Banks or trust companies designated for the deposit of city moneys under the provisions of this section shall, before deposits are made, other than such as are of a temporary character and specifically relate to the current business of the city, severally execute and file with the chamberlain, a bond to the city of New York in such form and in such amount as may be prescribed and approved by the chamberlain and comptroller for the safe-keeping and prompt payment of such moneys on legal demand therefor with interest at the rate agreed upon and, as surety for such bond, shall deposit with the comptroller outstanding unmatured bonds, corporate stock, revenue bonds, assessment bonds or other obligations issued by the city of New York, the value of which at existing prices on the open market shall be equal to the estimated amount of the proposed deposit, for which the chamberlain and comptroller shall deliver a certificate of deposit containing the conditions of said surety bond. [1]On the withdrawal of all or a part of the funds deposited in any depository and a closing or depleting of the account thereof, or in the event of the deposit actually made being less than the estimated amount of such deposit, the chamberlain and comptroller shall certify to such settlement or depletion or difference and direct the surrender of the whole or a proportionate share of such deposit to the owner or owners thereof. The said chamberlain shall keep books showing the receipts of moneys from all sources, and designating the sources of same, and also showing the amounts paid from time to time on account of the several appropriations, and no warrants shall be paid on account of any appropriation after the amount authorized to be raised for that specific purpose shall have been expended. The said chamberlain shall once in each week report in writing to the mayor and to the comptroller all moneys received by him, the amount of all warrants paid by him since his last report, and the amount remaining to the credit of the city. The chamberlain shall receive the sum of twelve thousand dollars annually, and no more, for his services as chamberlain of said city and as county treasurer of the county of New York in lieu of all salary and of all interest, fees, commissions and emoluments; and all such interest, fees, commissions and

Depository to give bond and deposit securities with comptroller.

Books to be kept by chamberlain.

Reports of chamberlain.

Salary.

[1] Following sentence new.

or according to the amount insured, as may be provided in the by-laws, sufficient to pay such loss. If it is deemed to be for the best interest of the corporation, such corporation may estimate the amount necessary to pay all losses and expenses for the current year and to supply any deficiency in the preceding year, and assess and collect the same from the members of the corporation. Each assessment shall be made pro rata upon all the property at the time insured, according to its classification or according to the amount insured. [2]The expense and cost of collection of assessments may be regulated by the by-laws.

§ 2. This act shall take effect immediately.

Chap. 304.

AN ACT to amend the Greater New York charter, in relation to the deposit of public moneys of the city of New York.

Became a law June 12, 1911, with the approval of the Governor. Passed three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1897, ch. 378, § 196, as re-enacted by L. 1901, ch. 466, and amended by L. 1904, ch. 343, amended.

Section 1. Section one hundred and ninety-six of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, as amended by chapter three hundred and forty-three of the laws of nineteen hundred and four, is hereby further amended so as to read as follows:

Depositories of public moneys; manner of designation.

§ 196. The said chamberlain and mayor and comptroller shall, by a majority vote, by written notice to the comptroller designate the banks or trust companies, in which all moneys of the city of New York shall be deposited, and may, by like notice in writing, from time to time, change the banks and trust companies thus designated; but no such bank or trust company shall be designated unless its various officers shall agree to pay into the city treasury interest on the daily balances at a rate to be fixed by the mayor and chamberlain and the said comptroller of the city of New York, by a majority vote, which rate shall be so fixed quarterly, on the first days of February, May, August and Novem-

Interest on deposits.

[2] Following sentence new.

ber in each year, according to the current rate of interest upon like balances deposited in banks and trust companies in the city of New York by private persons or corporations. [1]Banks or trust companies designated for the deposit of city moneys under the provisions of this section shall, before deposits are made, other than such as are of a temporary character and specifically relate to the current business of the city, severally execute and file with the chamberlain, a bond to the city of New York in such form and in such amount as may be prescribed and approved by the chamberlain and comptroller for the safe-keeping and prompt payment of such moneys on legal demand therefor with interest at the rate agreed upon and, as surety for such bond, shall deposit with the comptroller outstanding unmatured bonds, corporate stock, revenue bonds, assessment bonds or other obligations issued by the city of New York, the value of which at existing prices on the open market shall be equal to the estimated amount of the proposed deposit, for which the chamberlain and comptroller shall deliver a certificate of deposit containing the conditions of said surety bond. [1]On the withdrawal of all or a part of the funds deposited in any depository and a closing or depleting of the account thereof, or in the event of the deposit actually made being less than the estimated amount of such deposit, the chamberlain and comptroller shall certify to such settlement or depletion or difference and direct the surrender of the whole or a proportionate share of such deposit to the owner or owners thereof. The said chamberlain shall keep books showing the receipts of moneys from all sources, and designating the sources of same, and also showing the amounts paid from time to time on account of the several appropriations, and no warrants shall be paid on account of any appropriation after the amount authorized to be raised for that specific purpose shall have been expended. The said chamberlain shall once in each week report in writing to the mayor and to the comptroller all moneys received by him, the amount of all warrants paid by him since his last report, and the amount remaining to the credit of the city. The chamberlain shall receive the sum of twelve thousand dollars annually, and no more, for his services as chamberlain of said city and as county treasurer of the county of New York in lieu of all salary and of all interest, fees, commissions and emoluments; and all such interest, fees, commissions and

Depository to give bond and deposit securities with comptroller.

Books to be kept by chamberlain.

Reports of chamberlain.

Salary.

[1] Following sentence new.

emoluments shall be accounted for and paid over by him to the city treasury, except that the commissions or compensation provided by law, and received by him for receiving and paying over state taxes, and all interest which accrues on deposits shall be paid by him to the commissioners of the sinking fund. He may appoint and remove at pleasure deputy chamberlains, and such clerks and assistants[2] as may be necessary whose salaries, together with all the expenses of the office, shall be paid by the city of New York when fixed by the board of aldermen on the recommendation of the board of estimate and apportionment. The chamberlain shall also have power to designate in writing one of said clerks to act as warrant clerk, whose duty it shall be to sign warrants and to perform such other duties as may be required of him, under the direction of the chamberlain.

Deputies and other assistants.

Warrant clerk.

§ 2. This act shall take effect immediately.

Chap. 305.

AN ACT to amend the state charities law, in relation to purchases.

Became a law June 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 57, § 48, as amended by L. 1909, ch. 149, amended.

Section 1. Section forty-eight of chapter fifty-seven of the laws of nineteen hundred and nine, entitled "An act relating to state charities, constituting chapter fifty-five of the consolidated laws," as amended by chapter one hundred and forty-nine of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 48. **Purchases.** All purchases for the use of the state institutions reporting to the fiscal supervisor shall be made for cash or on credit or time not exceeding thirty days; every voucher shall be duly filled up, and with every abstract of vouchers paid there shall be proof on oath that the voucher was properly filled up and the money paid. The board of managers or trustees shall make all needful rules and regulations to enforce the provisions of this

2 Formerly read: "assistance."

section. The fiscal supervisor, a member or officer of the state board of charities or manager or officer of any such institution, shall not be interested, directly or indirectly, in the furnishing of materials, labor or supplies for the use of any such institutions nor shall any manager or trustee act as attorney or counsel for the board of managers or trustees thereof. [1]The boards of managers or trustees or other board or officer performing similar functions in the institutions reporting to the fiscal supervisor may be authorized by the fiscal supervisor to purchase by contract such supplies not included under joint contract as it may be found desirable to purchase for the use of any such institution. [1]Such contracts shall be executed by the superintendent of such institution under the direction of the board of managers or trustees or other board or officer performing similar functions, as the case may be, and subject to the approval of the fiscal supervisor. [2]Such contracts shall be let in conformity with the provisions of this article in relation to estimates and shall be awarded to the lowest responsible bidder. All goods for the use of such institutions, except those furnished pursuant to law by some other institution of the state, shall be bought, as far as practicable, of manufacturers or their immediate agents. All contracts, if let, shall, subject to the provisions of this article relating to estimates, be awarded to the lowest responsible bidder. Each of such institutions may manufacture such supplies and materials to be used in the institution as can be economically made therein. Between the first day of July and the thirtieth day of September in each year the fiscal supervisor shall call the superintendents of the state institutions reporting to the fiscal supervisor to meet at his office in Albany. The fiscal supervisor shall notify the president of the board of managers or trustees of each state institution reporting to the fiscal supervisor at least ten days in advance of such meeting of the superintendents, and each such president may designate a member of the board of managers or trustees of which he is president to attend such meeting as a representative of such boards. The necessary traveling expenses of a manager or trustee in attendance upon such meeting shall be paid in the same manner as the traveling expenses of managers or trustees when in attendance upon meetings of boards of managers or trustees. The superintendents and managers or

[1] Following sentence new.
[2] Following sentence formerly read: "Such contracts shall not be let except in conformity with the provisions of this chapter in relation to estimates."

trustees present at such meetings shall consider and determine, subject to the power granted to the fiscal supervisor in section forty-five[8] of this article the following matters:

1. Which articles of supplies it is practicable to purchase for all the state institutions reporting to the fiscal supervisor or any of them, by joint contracts.

2. The specifications for articles of supplies to be purchased by joint contract.

3. The provisions of the contracts under which articles of supplies are to be purchased jointly.

At such meetings of the superintendents and managers or trustees there shall be designated by those present a purchasing committee, to consist of not more than six superintendents, who shall serve as such purchasing committee until the next annual meeting of the superintendents and managers or trustees. Such meeting of superintendents and managers or trustees may refer to such purchasing committee any matters which might be considered and determined by such meeting of superintendents and managers or trustees. Such purchasing committee shall meet whenever so requested by the fiscal supervisor, and shall possess the same powers as the annual meeting of superintendents and managers or trustees provided for in this section. Such purchasing committee may appoint a secretary who is also a stenographer and may also consider proposals and make awards under joint contracts for the purchase of staple articles of supplies for any or all of the state institutions reporting to the fiscal supervisor, and shall appoint a committee of two to execute joint contracts in accordance with such awards, subject to the approval of the fiscal supervisor. All powers conferred in this section upon the annual meeting of superintendents and managers or trustees, and upon the purchasing committee, shall be exercised subject to the powers now possessed by, or hereafter conferred upon the fiscal supervisor of state charities.

§ 2. This act shall take effect immediately.

[8] As amended by L. 1909, ch. 149, and L. 1911, ch. 9.

Chap. 306.

AN ACT to amend chapter one hundred and forty-eight of the laws of nineteen hundred and five, entitled "An act to authorize the board of trustees of the village of White Plains to acquire lands for the site of a public library and to maintain a public library and issue bonds therefor."

Became a law June 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter one hundred and forty-eight of the laws of nineteen hundred and five, entitled "An act to authorize the board of trustees of the village of White Plains to acquire lands for the site of a public library and to maintain a public library and issue bonds therefor," is hereby amended to read as follows: L. 1905, ch. 148, § 3 amended

§ 3. The board of trustees is hereby authorized and empowered with the proceeds of the sale of said bonds or any part thereof to purchase lands for a library site, and the said board is hereby authorized and empowered to acquire by purchase any lands, rights or easements necessary or requisite for the purpose of carrying out the provisions or purposes of this act, at such price or prices as they shall deem fair and reasonable, and if unable to acquire the same by private purchase, the board of trustees shall have the power to acquire such lands, rights or easements on behalf of said village by condemnation, under the condemnation law.[1] The said board of trustees of the village of White Plains is also authorized annually to raise a sum not to exceed five thousand dollars[2] for the purpose of maintaining, supporting and improving a public library in and for said village, said sum to be raised, in the same manner that all of the village taxes are now raised in said village. The board of education of the joint union free school district number one of the towns of White Plains and Harrison shall pay all sums of money raised by taxation in such school district for the purpose of maintaining a public library over to the board of trustees of the village of White Plains. The said funds so received by said board shall be used towards the Acquisition of site. Maintenance, provision for.

1 Code of civil procedure, §§ 3357–3384.
2 Formerly $3000.

maintenance of said library. The aggregate amount to be expended for the maintenance and improvement of said library shall not exceed the sum of five thousand dollars[2] in any one year.

§ 2. This act shall take effect immediately.

Chap. 307.

AN ACT to amend the benevolent orders law, in relation to mortgaging property.

Became a law June 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 11, § 10 amended.

Section 1. Section ten of chapter eleven of the laws of nineteen hundred and nine, entitled "An act relating to benevolent orders, constituting chapter three of the consolidated laws," is hereby amended to read as follows:

§ 10. **Mortgaging property.** If the funds of the corporation shall not be sufficient to pay for any real property purchased by the board of trustees in pursuance of law, or for the construction, repair or rebuilding of a suitable building or buildings, and the finishing or furnishing of apartments therefor, the corporation may issue its bonds bearing interest, semi-annually, for such additional sum as may be required therefor, and may execute to any such trustee or trustees, as the board may select, a mortgage upon its real property as security for the payment of such bonds. The proceeds of such bonds shall be applied to the payment of debts of the corporation incurred by the purchase of such real property, or the construction and repair of a building or buildings thereupon or the finishing or furnishing of apartments therein. Any of the bodies specified in section seven may invest its funds in the bonds authorized by this section to be issued. [1]Such corporation shall have authority also to borrow of any person or corporation such sum as in the judgment of its board of trustees may be required to pay the cost of the construction, repair, rebuilding or reconstruction of any such building or buildings, and the finishing or furnishing of apartments therein, and to secure the payment

2 Formerly $3000.

1 Remainder of section new.

of any moneys so borrowed, and to execute and deliver its bond for the sum so borrowed, and to secure the payment of the same by mortgage upon its real property as collateral thereto.

§ 2. This act shall take effect immediately.

Chap. 308.

AN ACT to amend the tax law, in relation to the time in which an application for a refund of tax may be made.

Became a law June 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and twenty-five of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," is hereby amended to read as follows:

L. 1909, ch. 62, § 225 amended.

§ 225. **Refund of tax erroneously paid.** If any debts shall be proven against the estate of a decedent after the payment of any legacy or distributive share thereof, from which any such tax has been deducted or upon which it has been paid by the person entitled to such legacy or distributive share, and such person is required by order of the surrogate having jurisdiction, on notice to the state comptroller, to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be repaid to him by the executor, administrator or trustee, if the tax has not been paid to the state comptroller or county treasurer; or if such tax has been paid to such state comptroller or county treasurer, such officer shall refund out of the funds in his hands or custody to the credit of such taxes such equitable proportion of the tax, and credit himself with the same in the account required to be rendered by him under this article. If after the payment of any tax in pursuance of an order fixing such tax, made by the surrogate having jurisdiction, such order be modified or reversed by the surrogate having jurisdiction[1] within two years from and after the date of entry of the order fixing the tax, or be modified or reversed at any time on an appeal taken

[1] Words "by the surrogate having jurisdiction," new.

therefrom within the time allowed by law[2] on due notice to the state comptroller, the state comptroller shall, if such tax was paid in a county in which the office of appraiser is salaried, refund to the executor, administrator, trustee, person or persons by whom such tax was paid, the amount of any moneys paid or deposited on account of such tax in excess of the amount of the tax fixed by the order modified or reversed, out of the funds in his hands or custody to the credit of such taxes, and to credit himself with the same in the account required to be rendered by him under this article, or if paid in a county in which the office of appraiser is not salaried, he shall by warrant direct and allow the county treasurer of the county to refund such amount in the same manner; but no application for such refund shall be made after one year from such reversal or modification, unless an appeal shall be taken therefrom, in which case no such application shall be made after one year from the final determination on such appeal or of an appeal taken therefrom,[3] and the representatives of the estate, legatees, devisees or distributees entitled to any refund under this section shall not be entitled to any interest upon such refund, and the state comptroller shall deduct from the fees allowed by this article to the county treasurer the amount theretofore allowed him upon such overpayment. Where it shall be proved to the satisfaction of the surrogate that deductions for debts were allowed upon the appraisal, since proved to have been erroneously allowed, it shall be lawful for such surrogate to enter an order assessing the tax upon the amount wrongfully or erroneously deducted. [4]This section, as amended, shall apply to appeals and proceedings now pending and taxes heretofore paid in relation to which the period of one year from such reversal or modification has not expired when this section, as amended, takes effect.

§ 2. This act shall take effect immediately.

[2] Words "or be modified or reversed at any time on an appeal taken therefrom within the time allowed by law," new.

[3] Words "unless an appeal... taken therefrom," new.

[4] Following sentence new.

Chap. 309.

AN ACT to amend chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-seven, as amended by chapter seventy-seven of the laws of nineteen hundred and seven and chapter one hundred and ninety-eight of the laws of nineteen hundred and nine, entitled "An act regulating the appointment of assistant district attorneys for the county of Kings," in relation to the appointment of additional assistant district attorneys.

Became a law June 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1897, ch. 438, § 1, as amended by L. 1907, ch. 77 and L. 1909, ch. 198, amended.

Section 1. Section one of chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-seven as amended by chapter seventy-seven of the laws of nineteen hundred and seven and chapter one hundred and ninety-eight of the laws of nineteen hundred and nine, entitled "An act regulating the appointment of assistant district attorneys for the county of Kings," is hereby further amended so as to read as follows:

§ 1. There shall not be more than twelve[1] assistant district attorneys for the county of Kings. The power to appoint, and to remove and to adjust, regulate and determine the salaries of assistant district attorneys for said county is hereby vested in the district attorney of said county. All such salaries shall be paid in equal monthly payments. Every appointment of an assistant district attorney for said county hereafter made shall be by writing, subscribed by said district attorney and filed in the office of the clerk of said county. Each such appointee must, before entering upon the duties of his office, subscribe and file in the office of said clerk, the constitutional oath of office.[2] No person except an attorney and counselor-at-law and a resident of said county shall be appointed an assistant district attorney.

§ 2. This act shall take effect immediately.

[1] Formerly "ten."

[2] See constitution, art. 13, § 1; public officers law (L. 1909, ch. 51), § 10.

Chap. 310.

AN ACT to amend the village law, in relation to petitions for street improvements.

Became a law June 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 64, § 145 amended.

Section 1. Section one hundred and forty-five of chapter sixty-four of the laws of nineteen hundred and nine, entitled "An act relating to villages, constituting chapter sixty-four of the consolidated laws," is hereby amended to read as follows:

§ 145. **Petition for street improvement.** Five resident freeholders may present to the board of trustees a petition for laying out, altering, widening, narrowing or discontinuing a street in the village. [1]The petitioners must deposit with such petition the sum of fifty dollars to cover all expenses for publishing, posting and serving notices of meeting of board to consider the petition. [1]If petition be granted said deposit to be returned in full to the petitioners, but if denied, the surplus only, after paying expenses mentioned in this section. The petition must be addressed to the board of trustees and must contain a statement of the following facts:

1. The names and residences of the petitioners.

2. If the petition be for the laying out of a street, the general course thereof, and a description of the land to be taken.

3. If the petition be for the alteration of a street, its name, the proposed alteration, and a description of the land, if any, to be taken.

4. If the petition be for the widening of a street, its name and description of the land to be taken.

5. If the petition be for the narrowing of a street, its name, its proposed width after such alteration, and the manner in which such narrowing is to be effected.

6. If the petition be for the discontinuance of a street, its name, and the part proposed to be discontinued.

7. If the petition be for the laying out, alteration or widening of a street, the names and residences of the owners of all land to be taken.

[1] Following sentence new.

8. If the petition be for the narrowing or discontinuance of a street, the names and residences of the owners of adjoining lands affected.

§ 2. This act shall take effect immediately.

Chap. 311.

AN ACT to amend the code of civil procedure, in relation to verification of answers in actions for divorce.

Became a law June 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section seventeen hundred and fifty-seven of the code of civil procedure is hereby amended to read as follows: § 1757 amended.

§ 1757. **Answer; mode of trial; judgment by default.** 1. The answer of the defendant, may be made, without verifying it, notwithstanding the verification of the complaint, [1]except that an answer containing a counterclaim, which charges adultery must be verified in respect of such counterclaim, where the complaint is verified. If the answer puts in issue the allegation of adultery, the court must, upon the application of either party, or it may, of its own motion, make an order directing the trial, by a jury, of that issue; for which purpose the questions to be tried must be prepared and settled, as prescribed in section nine hundred and seventy of this act. If the answer does not put in issue the allegation of adultery, or if the defendant makes default in appearing or pleading, the plaintiff before he is entitled to judgment, must nevertheless satisfactorily prove the material allegations of his complaint, and also, by his own testimony or otherwise, that there is no judgment or decree, in any court of the state of competent jurisdiction, against him in favor of the defendant for a divorce on the ground of adultery.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

[1] Remainder of sentence new.

Chap. 312.

AN ACT to amend the forest, fish and game law, in relation to providing for no close season for blue pike in Lake Ontario.

Became a law June 12, 1911, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 24, § 117, as amended by L. 1909, ch. 474, amended.

Section 1. Section one hundred and seventeen of chapter twenty-four of the laws of nineteen hundred and nine, entitled "An act relating to the protection of the forests, fish and game of the state, constituting chapter nineteen of the consolidated laws," as amended by chapter four hundred and seventy-four of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 117. **Pickerel and pike.** The open season for pike and pickerel shall be from May first to the last day of February, both inclusive, except there shall be no closed season for blue pike in Lake Erie or in Lake Ontario.[1] Pike and pickerel shall not be taken or possessed at any other time, provided that during the close season any person may buy, possess or sell pickerel or pike taken without the state if such person will at all times permit the commission or any member or officer thereof to have an examination of his books and papers relating to the purchase and sale of fish, and will when required by the commission furnish the original invoice or invoices, freight or express receipts used in the transportation thereof. The commission may permit the taking or destruction of pickerel at any time in waters inhabited by trout. Wall-eyed and yellow pike, less than ten inches in length, shall not be taken or possessed.

§ 2. This act shall take effect immediately.

[1] Words "or in Lake Ontario," new.

Chap. 313.

AN ACT to amend the agricultural law, in relation to information to be furnished to persons dealing in products whose manufacture or sale, or keeping of which is regulated or forbidden by the agricultural law.

Became a law June 12, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," is hereby amended by adding thereto a new section to be known as section thirteen, to read as follows:

§ 13 added to L. 1909, ch. 9.

§ 13. Any corporation, company, association or person doing business within the state of New York in any commodity or product the manufacture or sale of which is either regulated or forbidden by the agricultural law may apply to the commissioner of agriculture to be registered in the department of agriculture. Such application shall be made annually and shall be for the current fiscal year. In making such application he shall submit the following information: his full name, postoffice address, place of business and nature of the business he is conducting, and the name or names of any special commodities he is handling, the sale of which is regulated by the provisions of the agricultural law. The commissioner of agriculture shall, upon receipt of such application, if it be accompanied with a registry fee of one dollar, register the name of such applicant, together with the information furnished as above set forth, and shall thereafter send to such applicant from time to time, as promptly as conditions will permit, a copy of decisions made by the department bearing upon the construction of the statute relating to the business conducted or commodity handled by the applicant, and copies of any rules or regulations issued by the commissioner relative thereto. All moneys received under the provisions of this act during the current month shall be transmitted by the commissioner of agriculture to the state treasurer on or before the fifth day of the succeeding month.

Registration of corporations, etc., dealing in products regulated by agricultural law.

Applicant to be furnished with decisions of department.

Disposition of moneys received.

§ 2. This act shall take effect immediately.

Chap. 314.

AN ACT to amend the agricultural law, in relation to statements concerning concentrated commercial feeding stuffs.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 9, §§ 161, 162 amended.

Section 1. Sections one hundred and sixty-one and one hundred and sixty-two[1] of the agricultural law, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," are hereby amended to read as follows:

§ 161. **Statements to be attached to packages; contents; analysis.** No manufacturer, firm, association, corporation or person shall sell, offer or expose for sale or for distribution in this state, any concentrated commercial feeding stuffs used for feeding live stock unless such concentrated commercial feeding stuffs shall be accompanied by or shall have affixed to each and every package in a conspicuous place on the outside thereof, a plainly printed statement which shall certify as follows:

1.[2] The net weight of the contents of the package, except in the case of malt sprouts sold in packages containing uneven weights.

2. The name, brand or trade mark.

3. The name and principal address of the manufacturer or person responsible for the placing of the commodity upon the market.

4. Its composition expressed in the following terms:

a. The minimum per centum of crude protein.

b. The minimum per centum of crude fat.

c. The maximum per centum of crude fibre, provided that the per centum of crude fibre may be omitted if it does not exceed five per centum.

d. If a compounded feed, the name of each ingredient contained therein.

e. If artificially colored, the name of the material used for such purpose.

If any such concentrated commercial feeding stuffs be sold.

[1] These sections were amended by L. 1909, ch. 317.

[2] Subd. 1 formerly read: "The number of pounds in the package."

offered or exposed for sale in bulk, such printed statement shall accompany every car or lot. Any such feeding stuffs purchased in bulk and later sacked or bagged for purposes of sale shall have tags attached giving the information as provided herein before being sold, offered or exposed for sale. Whenever any feeding stuffs are sold at retail in bulk or in packages belonging to the purchaser, the seller upon request of the purchaser shall furnish the said purchaser the information contained in the certified statement provided herein. That portion of the statement required by this section relating to the quality of feeding stuffs shall be known and recognized as the guaranteed analysis.

§ 162. **Statements to be filed with commissioner of agriculture; to be accompanied by sample and affidavit when requested.** Before any manufacturer, firm, association, corporation or person shall sell, offer or expose for sale in this state any concentrated commercial feeding stuffs, he or they shall, for each and every brand of concentrated commercial feeding stuff, file annually prior to January first of the calendar year in which such commodity is to be sold, offered or exposed for sale with the commissioner of agriculture a certified copy of the statement, with the exception of the net weight of the contents of the package,[3] specified in section one hundred and sixty-one, said certified copy to be accompanied, when the said commissioner shall so request, by a sealed glass jar or bottle containing at least one pound of the feeding stuff to be sold or offered for sale, and the company or person furnishing said sample shall thereupon make affidavit that said sample corresponds to the feeding stuff which it represents, in the per centum of crude protein, crude fat, crude fibre, name of each ingredient contained therein, if a compounded feed, and the name of any artificial coloring material used.

§ 2. This act shall take effect immediately.

[3] Words "with the exception of the net weight of the contents of the package," new.

Chap. 315.

AN ACT to amend the tax law, in relation to the assessment of real property, and repealing certain sections relating thereto.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 62, § 9 amended.

Section 1. Section nine of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," is hereby amended to read as follows:[1]

§ 9. **Place of taxation of real property.** Real property shall be assessed in the tax district in which it is situated. In all cases the assessment shall be deemed as against the real property itself, and the property itself shall be holden and liable to sale for any tax levied upon it.

§ 21 amended.

§ 2. Section twenty-one of said chapter is hereby amended to read as follows:[1]

§ 21. **Preparation of assessment-roll.** They shall prepare an assessment-roll in three parts.

Part one shall contain the assessment of real property exclusive of special franchises; part two shall contain the assessment of personal property; part three shall contain the assessment of special franchises.

Part one shall contain seven columns, in which, according to the best information in their power, they shall set down:

1. In the first column, the name of the owner or the last known owner or reputed owner of each parcel or portion of real property separately assessed. Such name shall be regarded as an aid to identify such parcel or portion. A mistake in the name of the owner, or the last known owner, or reputed owner, shall not affect the validity of the assessment against the parcel or portion.

2. In the second column, a description of such parcel or portion of real property separately assessed, sufficiently accurate to identify the same. As soon as a tax map of the district shall be prepared and adopted by the assessors, the number or numbers of

[1] Section materially amended.

such parcel or portion on the tax map shall be entered and shall be deemed a sufficient description thereof.

3. In the third column, a statement of the approximate quantity of the square feet, square rods or acres contained in such parcel or portion.

4. In the fourth column, the full value of such parcel or portion of real property.

5. In the fifth column, the full value of such parcel or portion if the same is included within an incorporated village and the name of the village.

6. In the sixth column there shall be entered by the proper official the amount of the tax levied against such parcel or portion of real property.

7. In the seventh column, there shall be entered by the proper official the date of the payment of such tax.

Part two shall contain seven columns, in which, according to the best information in their power, they shall set down:

1. In the first column, the names of all persons and corporations in the tax district, taxable on personal property.

2. In the second column, the full value of all the taxable personal property owned by each person respectively after deducting the just debts owing by him.

3. In the third column, the value of taxable rents reserved and chargeable upon lands within the tax district estimated at a principal sum, the interest of which at the legal rate per annum shall produce a sum equal to such annual rents, and if payable in anything except money, the value of the rents in money to be ascertained by them and the value of each rent assessed separately.

4. In the fourth column, the full value of the capital stock of each corporation assessed pursuant to the provisions of section twelve of this chapter.

5. In the fifth column, the full value of all the taxable personal property owned by each person respectively after deducting the just debts owing by him when such person resides in an incorporated village and the name of the village, and the full value of the capital stock of each corporation, assessed pursuant to the provisions of section twelve of this chapter, when such corporation has its principal office in an incorporated village and the name of the village.

6. In the sixth column, there shall be entered by the proper official the amount of the tax levied against such person or corporation named.

7. In the seventh column, there shall be entered by the proper official the date of the payment of such tax.

Part three shall contain six columns in which there shall be set down:

1. In the first column, the names of each corporation, association, copartnership or person taxable on a special franchise.

2. In the second column, a description of the special franchise in such form as the state board of tax commissioners shall prescribe.

3. In the third column, the value of the special franchise as fixed by the state board of tax commissioners.

4. In the fourth column, such part of the value of the special franchise as fixed by the state board of tax commissioners and which shall have been apportioned to an incorporated village in the manner provided in this chapter and the name of the village.

5. In the fifth column, there shall be entered by the proper official the amount of the tax levied against the corporation, association, copartnership or person named.

6. In the sixth column, there shall be entered by the proper official the date of the payment of such tax.

§§ 30-32 repealed.

§ 3. Sections thirty, thirty-one and thirty-two of said chapter are hereby repealed.

New § 30 added.

§ 4. A new section to be section thirty and to follow section twenty-nine, is hereby added to said chapter, to read as follows:

§ 30. **Tax map in each tax district.** The assessors may prepare or adopt for their use a tax map of their district, or *if such portion of their district as lies within an incorporated village, on which shall be shown each separately assessed parcel of real property with its boundaries properly marked. When any parcel contains more than one acre its contents in acres shall be shown upon said tax map. Each separately assessed parcel shall be given an identification number or numbers upon such map, and such number or numbers shall not be changed except as may be necessary when such parcel is altered or divided or merged with some other parcel The assessors shall make such changes from year to year upon such tax map as may be necessary to keep the map accurate. Such map shall be prepared and kept in accordance with such rules as the state board of tax commissioners may, from time to time, prescribe. When such map shall have been prepared and approved by the state board of tax commissioners, reference

* So in original.

to the lot, block and section numbers or other identification numbers of any parcel on said map shall be deemed a sufficient description of said parcel on the assessment-roll.

§ 5. Section fifty-four of said chapter is hereby amended to read as follows: § 54 amended.

§ 54. **Description of real property.**[2] The board of supervisors of each county, at its annual meeting, shall examine the assessment-rolls of the several tax districts, and shall make such changes in the descriptions of real property[2] as may be necessary to render such descriptions sufficiently definite for the purposes of collection of taxes by sale thereof. If a sufficiently definite description cannot be obtained during the session, the board shall cause the same to be obtained for the next annual session, and the property shall not be taxed until such description is obtained, and shall then be taxed for the year so omitted, in the manner provided for taxing omitted lands.

§ 6. Section sixty-three of said chapter is hereby amended to read as follows:[3] § 63 amended.

§ 63. **Errors in assessment-rolls.** An error in the description of a parcel or portion of real property shall not invalidate the assessment against such parcel or portion, if such description is sufficiently accurate to identify the parcel or portion. The entry of the name of the owner, last known owner or reputed owner of a separate parcel or portion of real property shall not be regarded as part of such assessment, but merely as an aid to identify such parcel upon the roll.

If the owner of such parcel or portion is a resident of the tax district in which such parcel or portion is assessed, and his name is correctly entered on the roll, he shall be personally liable for the tax assessed against such parcel or portion of real property.

§ 7. This act shall take effect on the first day of October, nineteen hundred and eleven. In effect Oct. 1, 1911.

[2] Words "of nonresidents" omitted.
[3] Section materially amended.

Chap. 316.

AN ACT to amend the penal law, in relation to guide signs lawfully erected upon highways.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 88, § 1423 amended.

Section 1. Section one thousand four hundred and twenty-three of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended to read as follows:

§ 1423. **Injuring highway boundary, pier, sea-wall, dock, rock, buoy, landmark, mile-board, pipe, main, sewer, machine, telegraph, or other property.** A person who willfully or maliciously displaces, removes, injures, or destroys:

1. A public highway or bridge, or a private way laid out by authority of law, or a bridge upon such public or private way; or,

2. A pier, boom, or dam, lawfully erected or maintained upon any water within the state, or hoists any gate in or about such dam; or,

3. A pile, or other material, fixed in the ground and used for securing any sea-bank or sea-walls, or the bank or dam of any river or other water, or any dock, quay, jetty, or lock; or,

4. A buoy or beacon, lawfully placed in any waters within the state; or,

5. A tree, rock, post, or other monument, which has been either erected or marked for the purpose of designating a point in the boundary of the state, or of a county, city, town or village, or of a farm, tract, or lot of land, or any mark or inscription thereon; or,

6.[1] A line of telegraph or telephone, wire or cable, pier or abutment, or the material or property belonging thereto, without lawful authority, or shall unlawfully and willfully cut, break, tap, or make connection with any telegraph or telephone line, wire, cable or instrument, or read or copy in any unauthorized manner

[1] Former subd. 6, which read: "A mile-board, mile-stone, or guide-post, erected upon a highway, or any inscription upon the same; or," omitted. See new subd. 11, post. Former subds. 7–11 renumbered subds. 6–10.

any message, communication or report passing over it, in this state; or who shall willfully prevent, obstruct or delay, by any means or contrivance whatsoever, the sending, transmission, conveyance or delivery, in this state of any authorized message, communication or report by or through any telegraph or telephone line, wire or cable, under the control of any telegraph or telephone company doing business in this state; or who shall aid, agree with, employ or conspire with any person or persons to unlawfully do, or permit or cause to be done, any of the acts hereinbefore mentioned, or who shall occupy, use a line, or shall knowingly permit another to occupy, use a line, a room, table, establishment or apparatus to unlawfully do or cause to be done any of the acts hereinbefore mentioned; or,

7. A pipe or main for conducting gas or water, or any works erected for supplying buildings with gas or water, or any appurtenance or appendage connected therewith; or,

8. A sewer or drain, or a pipe or main connected therewith or forming part thereof; or,

9. Destroys or damages with intent to destroy or render useless any engine, machine, tool or implement intended for use in trade or husbandry, is punishable by imprisonment for not more than two years.

10. Any person who shall without authority of the corporation owning the same open any fire-hydrant, except for the purpose of extinguishing a fire, or who shall wantonly injure or impair the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of ten dollars or by imprisonment in a county jail for the term of ten days; and it shall be the duty of all policemen, deputy sheriffs or constables to arrest any person found violating this subdivision.

11.[2] A person who willfully or maliciously displaces, removes, injures or destroys a mile-board, mile-stone, danger sign or signal, or guide sign or post, or any inscription thereon, lawfully within a public highway; or who, in any manner paints, puts or affixes any business or commercial advertisement on or to any stone, tree, fence, stump, pole, building or other structure, which is the property of another, without first obtaining the written consent of such owner thereof, or who in any manner paints, puts or affixes such an advertisement on or to any stone, tree, fence, stump, pole, mile-board, mile-stone, danger-sign, danger-signal, guide-sign, guide-post, billboard, building or other structure within the limits

[2] Following subdivision new.

of a public highway is guilty of a misdemeanor. Any advertisement in or upon a public highway in violation of the provisions of this subdivision may be taken down, removed or destroyed by any one.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

Chap. 317.

AN ACT to amend section two hundred and eighty of the penal law, in relation to corporation not to practice law.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 88, § 280, as added by L. 1909, ch. 433, amended.

Section 1. Section two hundred and eighty of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," as amended[1] by chapter four hundred and eighty-three of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 280. **Corporations and voluntary associations[2] not to practice law.** It shall be unlawful for any corporation or voluntary association[2] to practice or appear as an attorney-at-law for any person other than itself in any court in this state or before any judicial body, or to make it a business to practice as an attorney-at-law, for any person other than itself, in any of said courts or to hold itself out to the public as being entitled to practice law, or render or furnish legal services or advice, or to furnish attorneys or counsel or to render legal services of any kind in actions or proceedings of any nature or in any other way or manner, or in any other manner to assume to be entitled to practice law or to assume, use or advertise the title of lawyer or attorney, attorney-at-law, or equivalent terms in any language in such manner as to convey the impression that it is entitled to practice law, or to furnish legal advice, services or counsel, or to advertise that either alone or together with or by or through any person whether a duly and regularly admitted attorney-at-law, or not,

[1] Should read "added."

[2] Inclusion of voluntary associations, new.

it has, owns, conducts or maintains a law office or an office for the practice of law, or for furnishing legal advice, services or counsel. It shall be unlawful further for any corporation or voluntary association[2] to solicit itself or by or through its officers, agents or employees any claim or demand for the purpose of bringing an action thereon or of representing as attorney-at-law, or for furnishing legal advice, services or counsel to a person sued or about to be sued in any action or proceeding or against whom an action or proceeding has been or is about to be brought, or who may be affected by any action or proceeding which has been or may be instituted in any court or before any judicial body, or for the purpose of so representing any person in the pursuit of any civil remedy. Any corporation or voluntary association[2] violating the provisions of this section shall be liable to a fine of not more than five thousand dollars and every officer, trustee, director, agent or employee of such corporation or voluntary association[2] who directly or indirectly engages in any of the acts herein prohibited or assists such corporation or voluntary association[2] to do such prohibited acts is guilty of a misdemeanor. The fact that such officer, trustee, director, agent or employee shall be a duly and regularly admitted attorney-at-law, shall not be held to permit or allow any such corporation or voluntary association[2] to do the acts prohibited herein nor shall such fact be a defense upon the trial of any of the persons mentioned herein for a violation of the provisions of this section. This section shall not apply to any corporation or voluntary association[2] lawfully engaged in a business authorized by the provisions of any existing statute, nor to a corporation or voluntary association[2] lawfully engaged in the examination and insuring of titles to real property, nor shall it prohibit a corporation or voluntary association[2] from employing an attorney or attorneys in and about its own immediate affairs or in any litigation to which it is or may be a party, nor shall it apply to organizations organized for benevolent or charitable purposes, or for the purpose of assisting persons without means in the pursuit of any civil remedy, whose existence, organization or incorporation may be approved by the appellate division of the supreme court of the department in which the principal office of said corporation or voluntary association[2] may be located.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

[2] Inclusion of voluntary associations, new.

Chap. 318.

AN ACT reappropriating a portion of the unexpended balance of the appropriation heretofore made to the office of the secretary of state for carrying out the provisions of article eleven of the highway law, in relation to motor vehicles.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of twenty-five thousand dollars ($25,000), or so much thereof as may be necessary, being a portion of the unexpended balance of the appropriation of one hundred and ninety thousand dollars ($190,000) made to the office of the secretary of state by chapter five hundred and twelve of the laws of nineteen hundred and ten for carrying out the provisions of article eleven of the highway law in relation to motor vehicles, is hereby reappropriated and made available for salaries of employees, in addition to the sum of thirty-five thousand dollars ($35,000) made available by such act for such purpose and in addition to the sum of forty-seven thousand dollars ($47,000) made available for such purpose by chapter one of the laws of nineteen hundred and eleven.

§ 2. This act shall take effect immediately.

Chap. 319.

AN ACT to amend the penal law, in relation to certain theatrical presentations.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 2074 added to L. 1909, ch. 88.

Section 1. Article one hundred and eighty-six of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended by adding thereto a

new section, to be section two thousand and seventy-four, to read as follows:

§ 2074. **Preventing presentation of living characters representing the Divine Person.** No person, association of persons, company, or corporation shall in any public or private place, hall, theatre, or auditorium present or enact or suffer to be presented or enacted any exhibition, play, drama, tragedy, opera, comedy, or performance in which there shall be a living character representing the deity or known by any appellation which by the recognized standards of any particular form of religious worship or belief indicates the deity or is reasonably referable alone to such deity, which is worshipped, reverenced, adored, or venerated by any religious denomination or sect or class of people professing a particular and well-defined form of religious belief and practice. Any violation of this section shall be a misdemeanor. Any license granted to the owner, proprietor, or manager of the place where the offense is committed must upon conviction of this offense be revoked.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

Chap. 320.

AN ACT to amend the highway law, in relation to the establishment of a new route in the state highway system running from Coopers Plains in Steuben county to Trumansburg.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended by adding thereto a new subdivision or route, to be known as route forty-six, described and to read as follows: Subd. 46, added to L. 1909, ch. 30, § 120.

Route 46. Commencing at a point on route number fourteen at or near Coopers Plains in Steuben county and running thence northerly to a point on the dividing line of Steuben and Schuyler counties; thence northeasterly through the village of Monterey

and easterly by the valley road through the hamlet of Townsend; thence northeasterly following Old Folks picnic ground road to the village of Watkins, connecting with route number twelve; thence southerly on route twelve to its intersection with route number forty-five; thence along said route forty-five to a point about one and one-half miles from the village of Burdett; thence northeasterly to the village of Burdett; thence easterly and northeasterly through Bennettsburg to Reynoldsville; thence southeasterly to Mecklenburg; thence northeasterly to Perry City; thence to a point on the dividing line between Schuyler and Tompkins counties; thence northeasterly to the village of Trumansburg, connecting with route number thirty-six.

§ 2. This act shall take effect immediately.

Chap. 321.

AN ACT to legalize, ratify and confirm the acts and proceedings of the comptroller and other officers and boards of the city of Buffalo, creating, investing and reinvesting certain railroad grade crossing bond sinking funds, and to provide for the payment of grade crossing bonds.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the acts and proceedings of the comptroller of the city of Buffalo, and of other officers or boards of said city, creating what are designated by said comptroller as the Erie railroad grade crossing bond sinking fund, the Western New York and Pennsylvania railroad grade crossing bond sinking fund, and the New York, Chicago and Saint Louis railroad grade crossing bond sinking fund, and investing and reinvesting said funds, are hereby legalized, ratified and confirmed; and said comptroller is hereby authorized and required to deposit, or to invest and reinvest said funds, and such principal sums as may be paid hereafter to said city by any of said railroad companies pursuant to contracts lawfully made or authorized by the grade crossing com-

missioners of said city, and to use said funds and principal sums and the avails thereof for the payment, when due, of such proportion of bonds issued or to be issued by said city as represents said railroad companies' share of the cost or expense of the improvements for which any such contract or contracts have been or shall be made or authorized. Any surplus remaining after the payment of said bonds may be applied to the payment of other grade crossing bonds.

§ 2. This act shall take effect immediately.

Chap. 322.

AN ACT to amend the insurance law, so as to permit firms and corporations to be licensed agents to procure surplus line fire insurance; and to permit the superintendent of insurance to license persons, associations and corporations not otherwise authorized to do business in this state, to issue policies of surplus line fire insurance in this state on application of licensed agents under specified conditions.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirty-seven of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," is hereby amended to read as follows:

L. 1909, ch. 33, § 137 amended.

§ 137. **License to agents in excepted cases.** The superintendent of insurance, in consideration of the yearly payment of two hundred dollars, except in counties having less than one hundred thousand inhabitants, in which case the fee shall not exceed twenty-five dollars, may issue to citizens, firms or corporations having places of business in[1] this state, not exceeding two hundred in number, a license revocable at any time, permitting the party named in such license to act as agent to procure policies of fire insurance from corporations, persons, partnerships and

[1] Words "firms or corporations having places of business in," new. Word "of" omitted.

associations which are not otherwise authorized to do business in this state. When any policies of fire insurance[2] shall be procured, under or by virtue of said license, there shall be executed by the licensed agent and by the party desiring an insurance, an affidavit in duplicate, one of which shall be filed in the insurance department and the other in the clerk's office of the county in which the property proposed to be insured is located, within thirty days after the procuring of such insurance. Such affidavits shall set forth that the party desiring insurance is, after diligent effort, unable to procure the amount required to protect the property owned or controlled by him from the insurance corporations duly authorized to transact business in this state. The agent procuring policies in such unauthorized corporations or with persons, partnerships and associations, shall keep a separate account thereof, open at all times to the inspection of the superintendent, showing first, the exact amount of such insurance placed for any party; second, the gross premiums charged thereon; third, in what corporation, or with what persons, partnerships or associations; fourth, the date of the policy; fifth, the term thereof, and sixth, the cities and villages within this state[3] in which the insured property is located. Each party receiving such license shall, before transacting business thereunder, execute and deliver to the superintendent a bond to the people of the state, in the penal sum of two thousand dollars, with such sureties as the superintendent shall approve, conditioned that the said agent will faithfully comply with all the requirements of this chapter, and will pay to the treasurer of the [4]Firemen's Association of the state of New York, to be expended for the use and support of the [4]Firemen's Home, located at Hudson, Columbia county, New York, for the uses and purposes of said association, or, where such policies cover risks in cities of over one million inhabitants, having a fire patrol or salvage corps, to the treasurer of such fire patrol or salvage corps, in January and July of each year, a sum equal to three per centum upon the amount of the gross premiums charged to policy holders less the amount of the gross premiums returned to the insured[5] upon all policies pro-

[2] Sentence to here formerly read: "Before any insurance."
[3] Words "within this state" new.
[4] Word "Volunteer" omitted.
[5] Words "less the amount of the gross premiums returned to the insured," new.

cured by him during the preceding six months, pursuant to this article; and in default of payment to the treasurer of any fire patrol or salvage corps of any sum to which it may be entitled pursuant to the provisions of this section, or the treasurer of the said [4]Firemen's [6]Association of the sum due them, the treasurer of said fire patrol, salvage corps or association may sue for the same in any court of record in this state. All fire insurance policies issued to residents of this state on property located herein by companies that have not complied with the requirements of the general insurance laws of the state, shall be void, except as shall have been procured as herein set forth.

§ 2. The said chapter is hereby further amended by inserting therein a new section, to be known as section one hundred and thirty-eight and to read as follows: § 138 added.

§ 138. **License to persons, partnerships, associations and corporations in excepted cases.**

The superintendent of insurance in his discretion may issue to any person, partnership, association or corporation complying with the requirements of this section, a certificate permitting the holder thereof to issue policies of fire insurance within this state, upon applications made to it or them, under the conditions as set forth in section one hundred and thirty-seven by agents licensed thereunder but not otherwise.

Such certificates shall be granted only upon the filing with the superintendent of insurance of an application therefor signed and acknowledged by the persons, partnership or the proper attorneys or officers of the associations or corporations desiring same and such applications shall contain the name and address in each instance of the agent or agents through whom the applicant proposes to conduct the business herein permitted. Such certificate when granted shall specify that the insurer or insurers named therein may issue in this state policies of fire insurance through the agent or agents named in such certificates, upon the application of agents licensed under section one hundred and thirty-seven but not otherwise. The sum of twenty-five dollars shall be paid to the superintendent of insurance for each certificate so issued and such certificate shall remain in force for the period of one year from the date thereof unless sooner revoked by the said superintendent, provided, however, that whenever the holder of any

[4] Word "Volunteer" omitted.
[6] Word "Home" omitted.

such certificate desires to substitute the name of any new agent in place of the agent named in the certificate, the superintendent may if he approves of the change, issue a new certificate for the unexpired term of the original certificate in which shall appear the name of such agent so substituted. Any certificate granted under this section shall be revoked upon proof to the satisfaction of the said superintendent that the holder thereof either directly or through any agent or attorney in fact has violated any provision of this chapter, or is in such condition that the further transaction of business by it or them would be hazardous to the people of the state.

Every policy issued in this state by any person, partnership, association or corporation to whom a certificate under this section shall be granted (a) shall be countersigned by the agent named in the certificate; and (b) shall contain the provisions of the standard policy provided for by section one hundred and twenty-one[7] of this chapter, or an agreement that the policy so issued shall be subject to such provision and that any condition thereof inconsistent with or contrary to the provisions of the standard policy shall be null and void; and (c) shall contain a further provision that service or a summons or other legal process relative to any claim under such policy may be made on the agent issuing or countersigning the same and that such service shall be equivalent to the personal service within this state of such process on the persons, associations or corporations obligated thereupon; and (d) shall have printed in red ink upon the outside cover thereof, under the name of the corporation or association issuing the same, in plain type, the words: Surplus line insurance only; this company (person, partnership or association, as the case may be) is not under the supervision of the New York state insurance department; issued by agent, address

The books and records of every agent within this state for such corporations, persons, partnerships and associations shall be open at all times to the inspection of the superintendent of insurance, and must show, first the exact amount of insurance written; second, the gross premiums charged thereon; third, the date of the policy; fourth, the term thereof; fifth, the location of the property; and, sixth, the names of those licensed agents upon whose applications the insurance was issued.

Nothing herein contained shall be held to prevent any agent

[7] As amended by L. 1909, ch. 240, and L. 1910, chaps. 168, 638, 668.

licensed under the provisions of section one hundred and thirty-seven from acting as the agent of any corporation, person, partnership or association to whom a certificate has been granted under this section.

§ 3. This act shall take effect immediately.

Chap. 323.

AN ACT to amend the insurance law, in relation to co-operative fire insurance corporations.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and sixty of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter three hundred and twenty-eight of the laws of nineteen hundred and ten, is hereby amended to read as follows:[1]

L. 1909, ch. 33, § 260, as added by L. 1910, ch. 328, amended.

§ 260. **Existing corporations continued.** All corporations formed pursuant to chapter seven hundred and thirty-nine of the laws of eighteen hundred and fifty-seven, chapter five hundred and seventy-three of the laws of eighteen hundred and eighty-six or the laws of which the last mentioned chapter was a consolidation, and article nine of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, and the acts amendatory of any thereof, and all co-operative fire insurance corporations organized under special acts of the legislature which may desire to become subject to the provisions of this article and which have heretofore filed or shall hereafter file with the superintendent of insurance the papers specified in this section, are hereby continued in existence and made subject to the provisions of this article and not to any other provisions of this chapter, unless made specifically applicable thereto. Each such corporation shall, unless it has already filed with the superintendent of insurance the papers hereinafter provided, file with the superintendent of insurance, not later than December thirty-first, nineteen hundred

[1] Section materially amended.

such certificate desires to substitute the name of any new agent in place of the agent named in the certificate, the superintendent may if he approves of the change, issue a new certificate for the unexpired term of the original certificate in which shall appear the name of such agent so substituted. Any certificate granted under this section shall be revoked upon proof to the satisfaction of the said superintendent that the holder thereof either directly or through any agent or attorney in fact has violated any provision of this chapter, or is in such condition that the further transaction of business by it or them would be hazardous to the people of the state.

Every policy issued in this state by any person, partnership, association or corporation to whom a certificate under this section shall be granted (a) shall be countersigned by the agent named in the certificate; and (b) shall contain the provisions of the standard policy provided for by section one hundred and twenty-one[7] of this chapter, or an agreement that the policy so issued shall be subject to such provision and that any condition thereof inconsistent with or contrary to the provisions of the standard policy shall be null and void; and (c) shall contain a further provision that service or a summons or other legal process relative to any claim under such policy may be made on the agent issuing or countersigning the same and that such service shall be equivalent to the personal service within this state of such process on the persons, associations or corporations obligated thereupon; and (d) shall have printed in red ink upon the outside cover thereof, under the name of the corporation or association issuing the same, in plain type, the words: Surplus line insurance only; this company (person, partnership or association, as the case may be) is not under the supervision of the New York state insurance department; issued by agent, address

The books and records of every agent within this state for such corporations, persons, partnerships and associations shall be open at all times to the inspection of the superintendent of insurance, and must show, first the exact amount of insurance written; second, the gross premiums charged thereon; third, the date of the policy; fourth, the term thereof; fifth, the location of the property; and, sixth, the names of those licensed agents upon whose applications the insurance was issued.

Nothing herein contained shall be held to prevent any agent

[7] As amended by L. 1909, ch. 240, and L. 1910, chaps. 168, 638, 668.

licensed under the provisions of section one hundred and thirty-seven from acting as the agent of any corporation, person, partnership or association to whom a certificate has been granted under this section.

§ 3. This act shall take effect immediately.

Chap. 323.

AN ACT to amend the insurance law, in relation to co-operative fire insurance corporations.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and sixty of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter three hundred and twenty-eight of the laws of nineteen hundred and ten, is hereby amended to read as follows:[1]

L. 1909, ch. 33, § 260, as added by L. 1910, ch. 328, amended.

§ 260. **Existing corporations continued.** All corporations formed pursuant to chapter seven hundred and thirty-nine of the laws of eighteen hundred and fifty-seven, chapter five hundred and seventy-three of the laws of eighteen hundred and eighty-six or the laws of which the last mentioned chapter was a consolidation, and article nine of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, and the acts amendatory of any thereof, and all co-operative fire insurance corporations organized under special acts of the legislature which may desire to become subject to the provisions of this article and which have heretofore filed or shall hereafter file with the superintendent of insurance the papers specified in this section, are hereby continued in existence and made subject to the provisions of this article and not to any other provisions of this chapter, unless made specifically applicable thereto. Each such corporation shall, unless it has already filed with the superintendent of insurance the papers hereinafter provided, file with the superintendent of insurance, not later than December thirty-first, nineteen hundred

[1] Section materially amended.

and eleven, copies of its certificate of incorporation, or if organized under a special act, copies of its incorporating act and by-laws in force at the time of such filing, duly verified by its president and secretary by affidavits to the effect that the same are true copies. When it shall be made to appear to the satisfaction of the superintendent of insurance that the certificate of incorporation of any such corporation has been lost or destroyed and that a copy thereof cannot be filed as hereinabove provided, the superintendent of insurance may permit the filing, in lieu of such certificate of incorporation, of a statement, verified by the oath of its president and secretary, which shall set forth the facts preventing the filing of a copy of such certificate of incorporation and show the character and mode of transacting business employed by such corporation. On the filing of such papers, so verified, the superintendent of insurance, if in his judgment such corporation will safely conduct the business of insurance in this state, shall issue to such corporation a certificate authorizing it to continue in the business of insurance in this state of the kind specified in such by-laws and within the territory in which it does business at the time of such filing, provided that such business and territory are not in conflict or inconsistent with the terms of this article; provided, further, that any such corporation which has not yet received a certificate of authority as hereinabove provided is hereby authorized to continue the business previously conducted by it to and until December thirty-first, nineteen hundred and eleven, but no such corporation shall continue such business without such certificate after December thirty-first, nineteen hundred and eleven; and provided further, that the policies of any such corporation issued heretofore or at any time prior to the issue of said certificate shall be as valid and the rights and powers of the officers and members of such corporation shall be the same in all respects as if such corporation had been originally organized under this article. All acts of the superintendent of insurance since the first day of September, nineteen hundred and ten, in issuing certificates of authority to co-operative fire insurance corporations to which the provisions of this article are applicable are hereby validated, legalized and confirmed and all corporations which have received such certificates are hereby made and declared to be legal corporations and subject to the provisions of this article, notwithstanding any irregularity, informality or defect in the certificates of incorporation or other papers filed, upon which such certificates of authority were issued.

§ 2. Section two hundred and sixty-one[2] of said chapter, is hereby amended to read as follows: § 261 amended.

§ 261. **Voluntary associations continued and incorporated.** All voluntary associations which were, on the first day of July, nineteen hundred and ten,[3] doing in this state an insurance business of the kind and on a plan similar to those of the corporations specified in section two hundred and sixty of this chapter, and which may desire to become corporations authorized to do the business of insurance in this state of such kind and on such plan and to become subject to the provisions of this article, shall, not later than December thirty-first, nineteen hundred and eleven,[4] file with the superintendent of insurance, on blanks to be furnished by him for that purpose, (a) an application for the certificate hereinafter mentioned, such application to be executed by the then officers and directors of such association, and (b) copies of the original articles of association and of the by-laws in force on the date of such application, duly verified by its president and secretary by affidavits to the effect that the same are true copies; and, thereupon, such voluntary association shall become a corporation, having the same officers and directors and subject to such articles of association and by-laws so far as the same are not in conflict or inconsistent with the terms of this article, on the superintendent of insurance, if in his judgment it will safely conduct the business of insurance in this state, issuing a certificate authorizing it to continue in the business of insurance in this state of the kind specified in such by-laws and within the territory in which it does business at the time of such application, provided that such business and territory are not in conflict or inconsistent with the terms of this article, to the same effect as if such voluntary association had been formed as a corporation under section two hundred and sixty-three[5] of this chapter; provided that[6] the policies of any such association issued heretofore or at any time prior to the issue of such certificate shall be as valid and the rights and powers of the officers and members of such association shall be the same in all respects as if it had been originally organized as a corporation under this article.

[2] As added by L. 1910, ch. 328.

[3] Words "were, on the first day of July, nineteen hundred and ten," substituted for words "at the time this act takes effect are."

[4] Formerly "September first nineteen hundred and ten."

[5] As added by L. 1910, ch. 328.

[6] Words "any such association is authorized to continue the business previously conducted by it from July first, nineteen hundred and ten, to the date of the issue of such certificate; and provided, further, that," omitted.

§ 262 amended.

§ 3. Section two hundred and sixty-two[5] of said chapter, is hereby amended to read as follows:

§ 262. **Co-operative fire insurance corporations; general provisions.** 1.[7] Classification of corporations. All corporations to which certificates of authority shall be issued, pursuant to sections two hundred and sixty and two hundred and sixty-one[5] of this chapter, or which shall hereafter be given certificates on their due incorporation, pursuant to the provisions of this article, shall be known as co-operative fire insurance corporations. Co-operative fire insurance corporations may make insurances (a) on property against loss or damage by fire, *lighting, wind storms, tornadoes or earthquakes, or (b) against loss or damage by larceny or loss or expense in recovering the property stolen or in apprehending the thief. Such corporations shall do business on an advance premium plan or on an assessment plan, but no such corporation shall do business on both such plans. Such corporations as charge or collect in advance the estimated cost of insurance for the full term of the policy shall be deemed to be advance premium corporations. All other co-operative fire insurance corporations shall be deemed to be assessment corporations. Advance premium corporations shall do business in not more than five adjoining counties until the amount of insurance in force exceeds one million dollars, whereupon any such corporation may be authorized to do business in any number of adjoining counties; but such a corporation shall not be authorized or permitted to begin or to do business until or unless it shall have bona fide applications for insurance or insurance in force in the county in which its principal office is located amounting to two hundred thousand dollars. Assessment corporations shall be either town corporations, which shall do business in the town where the principal office is situated and, after the amount of insurance in force exceeds fifty thousand dollars, may be authorized to do business in any or all of the towns of a single county, or county corporations, which shall do business in the county in which the principal office is situated and, after the amount of insurance in force exceeds two hundred thousand dollars, may be authorized to do business in not more than five adjoining counties; except that such corporations as had legally extended their territories to more than five counties prior to the first day of July, nineteen hundred and

* So in original.
[5] As added by L. 1910, ch. 328.
[7] Subd. 1 materially amended.

ten, may continue to transact business in all of such counties; but an assessment corporation shall not be authorized or permitted to begin or to do business until or unless it shall have bona fide applications for insurance or insurance in force amounting, if a town corporation, to fifty thousand dollars in the town in which its principal office is located, or, if a county corporation, to two hundred thousand dollars in the county in which its principal office is located.

2.[8] Extension of territorial limits. Any co-operative fire insurance corporation organized under the laws of this state and subject to the provisions of this article, may extend its territory within the limits prescribed in this section by filing with the superintendent of insurance a statement, verified by the oath of its president and secretary, which must set forth: (a) the purpose for which such statement is made; (b) the name of the corporation and the town or county wherein its principal office for the transaction of business is located; (c) a copy of the resolution by the board of directors of the said corporation authorizing the making of application for leave to extend its territory; (d) the amount of insurance in force in the town or county in which its principal office is located; (e) the total amount of insurance in force; (f) the names of the towns or counties in which the corporation is authorized to transact business; (g) the names of the towns or counties in which the corporation thereafter proposes to transact business. Upon filing such statement, so verified, the superintendent of insurance shall, if compliance with the requirements of this section for the extension of territorial limits has been shown thereby, issue a certificate to such corporation authorizing it to transact the business of insurance in the territory therein stated as the territory in which it proposes thereafter to transact business.

3.[9] Change from town to county corporation. Any town corporation which may have extended or be entitled to extend its territory to all of the towns of a single county, as provided in this section, and which shall prove to the superintendent of insurance by filing the statement herein provided for such extension of territory that it has insurance in force amounting to at least two hundred thousand dollars, shall thereupon receive from the superintendent of insurance a certificate authorizing it to transact business in the county wherein its principal office is located and in not

[8] Subd. 2 new.
[9] Subd. 3 new.

more than five adjoining counties, and shall thereupon become and be a county corporation and may thereafter exercise all the powers granted to county corporations by this article.

4.[10] Limitation of business. No corporation, subject to the provisions of this article, shall insure any buildings or property out of the limits of the territory comprised in its certificate of incorporation and the territory to which it may heretofore have been legally extended, or to which it shall hereafter be extended under the provisions of this article, except that when a member of such corporation who owns or occupies premises situate in part without such limits, has buildings or property, or pastures live stock on that part thereof lying beyond such limits, he may insure such property, buildings and their contents and such live stock with such property or buildings as lie within the territorial limits of the corporation. Co-operative fire insurance corporations shall not be formed by persons residing within and shall not do business in any city having more than six hundred thousand inhabitants.

§ 264 amended.

§ 4. Section two hundred and sixty-four[11] of said chapter is hereby amended to read as follows:

§ 264. **By-laws.** The by-laws of all corporations to which a certificate of authority shall be issued, pursuant to the provisions of this article, shall include or shall be amended so as to include, substantially, the following provisions:

1. Directors and annual meeting. That the corporate powers of such corporation shall be exercised by a board of directors, who, if of a town corporation, shall not be less than five, and if a county or advance premium corporation, shall not be less than eleven; that such directors shall[12] be divided into classes and a portion only elected each year; that they shall be elected for a term of not more than four years; that they shall choose from their number a president, secretary and such other officers as may be deemed necessary; and that, after the first year, the directors shall be chosen at an annual meeting, to be held on the second Tuesday in January in each year, unless some other day is designated in such by-laws, at which meeting each person insured shall have one vote [13]and shall be entitled to vote by proxy under such rules and regulations as may be prescribed by the by-laws unless prohibited by such by-laws.

[10] Subd. 4 new, except last sentence which was formerly placed at end of subd. 1.

[11] As added by L. 1910, ch. 328.

[12] Formerly "may."

[13] Remainder of sentence new.

2. Records. That each such corporation shall keep proper books (including a policy register) in which the secretary shall enter a complete record of all the transactions of such corporation and of its board of directors and executive committee, which books shall at all times show fully and truly the condition, affairs and business of such corporation, and shall be open for inspection by every person insured each day from nine o'clock in the forenoon to four o'clock in the afternoon, Sundays and legal holidays excepted.

3. Assessments. That such corporation shall have the power to assess for the purposes[14] specified in sections two hundred and sixty-six and two hundred and sixty-seven[15] of this chapter. That, in case an assessment is made, the secretary shall, within forty-five days thereafter, notify, by written or printed notice, every person insured that such assessment has been made, specifying the amount due from such person and the time when and to whom such amount must be paid; provided that such time shall not be less than thirty nor more than sixty days from the service of such notice, which may be either personal or by mail, and, if by mail, shall be deemed complete if such notice is deposited, postage prepaid,[16] in the post-office at the place where the principal office of the corporation is located, directed to the person insured at his last known place of residence or business. That any person insured who neglects or refuses to pay his assessment may, for such reason or for any other reason satisfactory to the board of directors or its executive committee, be excluded from such corporation and, when thus excluded, the secretary shall cancel or withdraw his policy or policies, provided that such person shall remain liable for the payment of his pro rata share of losses and expenses incurred on or before the date of his exclusion and for the penalty herein provided, in case an action shall be brought against him. If any member of such corporation shall be excluded and the policy issued to him canceled, the secretary shall forthwith enter such cancellation and the date thereof on the records kept in the office of the corporation, and serve notice of such cancellation on the person so excluded, as provided herein for the service of notice of assessments, provided that, in that event, the person who is thus excluded or whose policy is thus canceled shall be entitled to the repayment of an equitable portion

[14] Formerly read "purpose."
[15] As added by L. 1910, ch. 328; § 266, as amended by L. 1911, ch. 303.
[16] Words "postage prepaid" new.

of the unearned paid premium on such policy. That the officers of such a corporation shall proceed to collect all assessments within thirty days after the expiration of the notice to pay the same, and that neglect or refusal on their part so to proceed or to perform any of the duties imposed on them by this article shall render them liable, individually, for the amount lost to any person due to such neglect or refusal, and, to that end, an action may be maintained by such person against such officers to collect such amount. That an action may be brought by the corporation against any person insured therein to recover all assessments which he may neglect or refuse to pay, and, if such action is brought, there may be recovered from him both the amount so assessed, with lawful interest thereon, and, as a penalty for such neglect or refusal, fifty per centum of such assessment in addition thereto.

4. Withdrawal of members; new members. That any person insured by such corporation may withdraw therefrom at any time by giving ten days' notice in writing to the secretary and paying his share of all claims existing against such corporation and upon such withdrawal member surrendering his policy or policies.

5. That persons may be insured who reside or own property within the territory in which the corporation is authorized to do business, upon the same terms and conditions as original members and such other terms as may be prescribed in the by-laws of the corporation.

6. That non-residents, who own property within the territory in which such corporation may do business, may be insured therein and shall have all the rights and privileges of the corporation and be accountable as are other persons insured therein, but shall not be eligible to hold office in the corporation. The by-laws of any such corporation may be amended at any time, subject to the written approval of the superintendent of insurance.

§ 267 amended.

§ 5. Section two hundred and sixty-seven[17] of said chapter, is hereby amended to read as follows:[18]

§ 267. **General provisions affecting advance premium corporations only.** The following provisions shall affect corporations doing business on the advance premium plan, pursuant to the provisions of this article.

1. Such a corporation may issue policies of insurance on

[17] As added by L. 1910, ch. 328.
[18] Section materially amended.

dwelling-houses, stores, school buildings, churches, municipal buildings and all other kinds of buildings and on household furniture and the other contents of such buildings, on farm produce and other property, and on live stock, provided that no such policy shall be issued for more than five thousand dollars on any one risk, or in excess of fifteen thousand dollars in any one block or square in the business portion of any city or village; provided that, in any city or village without water protection, such a corporation shall not issue a policy for more than two thousand dollars on any one risk, nor aggregating more than seven thousand dollars in any one block or square in the business portion of any such city or village; and provided, further, that the total amount of insurance written by any such corporation in the business section of any city or village shall not exceed one per centum of the total amount of insurance in force in such corporation.

2. The expense of management of any such corporation shall not exceed in any one calendar year thirty-five per centum of its premium income in such year; provided that any such corporation may expend in such year an additional five per centum of such income for expenses incurred in the inspection of risks and the adjustment of losses and legal expenses connected therewith; and provided further that any expenses incurred in connection with the investment of funds, not to exceed five per centum of the income therefrom, may be defrayed from such income.

3. Every such corporation shall at all times maintain a reserve equal to eighty per centum of the unearned premiums charged to its policyholders for all policies in force from their dates of issue; provided, however, that any such corporation, which shall or may at any time appear, by any examination made, or by any annual statement filed, not to possess or hold and maintain such reserve, shall reduce any deficiency in such reserve by not less than fifteen per centum of the required reserve on or before the filing of the annual statement required by law on the thirty-first day of December next following and by further amounts of not less than fifteen per centum of the required reserve on or before the filing of the annual statements required by law on the thirty-first day of December in each and every ensuing year, until the required reserve has been accumulated. If by any examination thereafter made, or by any annual statement thereafter filed, any such corporation shall appear not to have made the percentage of improvement herein required, the

superintendent of insurance shall, in the absence of good cause shown for such failure, direct such corporation to make good the entire amount of deficiency or reserve by assessment or otherwise within sixty days.

4. Such corporation shall not make any additions to its surplus after the same equals one per centum of the amount of insurance in force, provided that any such corporation having less than one million dollars of insurance in force may maintain a surplus not exceeding ten thousand dollars. Any surplus may be distributed among the members whose policies shall expire during the ensuing year, proportioned according to the classification of the risks and the premiums paid thereon, such surplus being paid in cash or applied as a rebate on the premium required to renew the insurance on the same risk; provided that no such distribution shall be made until all sums of money which may have been advanced to the corporation pursuant to the provisions of subdivision seven of this article shall have been repaid.

5. In case any deficiency is found to exist in any such corporation, by reason of fire or other losses and expenses due and unpaid, the same shall be made good within sixty days thereafter, in case the superintendent of insurance so directs, and, in case such deficiency is not so made good, the directors shall proceed to assess the members of the corporation a sufficient sum to make good such deficiency. All assessments shall be made pro rata upon all of the property insured by the corporation at the time such assessment is made, according to its classification or according to the amount insured; the method of computing the same to be first approved by the superintendent of insurance.

6. No such corporation shall reinsure any risk assumed by it, except that for the purpose of liquidation, any such corporation having sufficient funds lawfully applicable therefor, may, subject to the consent of the superintendent of insurance and of holders of its respective policies of insurance, reinsure any or all of its outstanding risks in any corporation authorized by law to transact the business of fire insurance in this state. Any corporation organized pursuant to the provisions of this article, which shall take over such reinsurance, shall compute its unearned premium fund on account thereof in the manner provided in subdivision three of this section upon the basis of the actual amount of premium so received on policies of re-insurance in force at the time of such computation. No such corporation shall collect any pol-

icy or survey fee, nor pay any commission to an officer or other person whose duty it is to determine the character of the risk.

7. Any director, officer or member or members of any such corporation, or any other person may advance to such corporation, any sum or sums of money deemed necessary for the purposes of its business or to enable it to comply with any requirement of the law, which said moneys and such interest thereon as may have been agreed upon, not to exceed six per centum per annum, shall be repaid only out of the surplus earnings or profits of such corporation, and shall not form a part of the legal liabilities of the corporation or of its members and shall not be subject to repayment except as hereinabove provided.

§ 6. This act shall take effect immediately.

Chap. 324.

AN ACT to amend the insurance law, in relation to the powers of casualty corporations.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as amended by chapter six hundred and thirty-seven of the laws of nineteen hundred and ten,[1] is hereby amended to read as follows:

L. 1909, ch. 33, § 70, as amended by L. 1910, ch. 637, amended.

§ 70. **Incorporation.** Thirteen or more persons may become a corporation for the purpose of making any of the following kinds of insurance:

1. Upon the lives or the health of persons and every insurance appertaining thereto, and to grant, purchase or dispose of annuities.

2. Against injury, disablement or death resulting from traveling or general accident, and against disablement resulting from sickness, and every insurance appertaining thereto.

[1] § 70 was amended also by L. 1909, ch. 302.

3. Insuring any one (a) against loss or damage resulting from accident to or injury suffered by an employee or other person, and for which the person insured is liable, and (b) against loss or damage to property caused by horses or by any vehicle drawn by animal power, and for which loss or damage the person insured is liable.

4. Guaranteeing the fidelity of persons holding places of public or private trust. Guaranteeing the performance of contracts other than insurance policies; guaranteeing the performance of insurance contracts where surety bonds are accepted by states or municipalities in lieu of actual deposits; and executing or guaranteeing bonds and undertakings required or permitted in all actions or proceedings or by law required. Guaranteeing and indemnifying merchants, traders and those engaged in business and giving credit from loss and damage by reason of giving and extending credit to their customers and those dealing with them; and corporations authorized to do such last named business in this subdivision mentioned shall have all the powers conferred by section one hundred and seventy-eight of this chapter.

5. Against loss by burglary or theft, or both.

6. Upon glass against breakage.

7. Upon steam boilers and pipes, fly-wheels, engines and machinery connected therewith or operated thereby, against explosion and accident and against loss or damage to life or property resulting therefrom, and against loss of use and occupancy caused thereby, and to make inspection of and to issue certificates of inspection upon such boilers, pipes, fly-wheels, engines and machinery.

8. Upon the lives of horses, cattle and other live stock.

9. Against loss or damage to automobiles (except loss or damage by fire, or while being transported in any conveyance by land or water), including loss by legal liability for damages to property resulting from the maintenance and use of automobiles.

10. [2]Against loss or damage by water to any goods or premises, arising from the breakage or leakage of sprinklers, pumps or other apparatus erected for extinguishing fires, and of water pipes, and against accidental injury to such sprinklers, pumps or other apparatus. By making and filing in the office of the superintendent of insurance a certificate signed by each of them, stating their intention to form a corporation for the purpose or purposes

[2] Following sentence new.

named in some one of the foregoing subdivisions specifying the subdivisions; and setting forth a copy of the charter which they propose to adopt, which shall state the name of the proposed corporation, the place where it is to be located, the kind of insurance to be undertaken, and under which of the foregoing subdivisions it is authorized, the mode and manner in which its corporate powers are to be exercised, the manner of electing its directors and officers, a majority of whom shall be citizens and residents of this state, the time of such elections, the manner of filling vacancies, the amount of its capital, if any, and such other particulars as may be necessary to explain and make manifest the objects and purposes of the corporation.

Such certificate shall be proved or acknowledged and recorded in a book to be kept for that purpose, and a certified copy thereof delivered to the persons executing the same. A mutual company, without capital stock, may be organized for the purposes either separately or taken together, specified in the first and second subdivisions of this section. Except as above provided, no such corporation shall be formed under this article for the purpose of undertaking any other kind of insurance than that specified in some one of the foregoing subdivisions, or more kinds of insurance than are specified in a single subdivision; but a corporation other than a mutual corporation may be formed for all the purposes combined, or any two or more of them, specified in the first and second subdivisions and clause (a) of the third subdivision, or for all the purposes combined, or any two or more of them specified in the second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth subdivisions; provided, however, that policies under subdivision nine shall be issued only by companies authorized to issue policies under subdivisions two, three or five. No corporation or association shall transact, in connection with any other kind of insurance mentioned in the foregoing subdivisions, the business of guaranteeing and indemnifying merchants, traders and those engaged in business and giving credit from loss and damage by reason of giving and extending credit to their customers and those dealing with them, except such a corporation or association as was authorized to transact such business before June first, nineteen hundred and five; but such a corporation or association may continue to transact such business with all the powers and privileges theretofore possessed or enjoyed by it. No one policy issued by any one corporation shall embrace more kinds of insurance than are specified in one of such subdivisions, except that a policy may

embrace risks specified in subdivision two and clause (a) of subdivision three, and also that companies electing to issue policies under subdivision nine may embrace in one policy risks under subdivision two, clause (a) of subdivision three, and subdivisions five and nine, or either of them.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 325.

AN ACT to amend the insurance law, relating to special deposits made by domestic life insurance corporations to secure registered policies and annuity bonds.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 33, § 74 amended.

Section 1. Section seventy-four of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," is hereby amended to read as follows:

§ 74. **Annual report of corporation of registered policies and annuity bonds.** Every such corporation shall annually on July first or within sixty days thereafter report to the superintendent of insurance under the oath of the president and actuary the exact condition of the registered policies received from the superintendent and of the premium account of such policies, and shall deposit with the superintendent additional [1]securities of the kind in which the minimum amount of cash capital of domestic insurance corporations is required to be invested by the provisions of section sixteen[2] of article one of this chapter,[3] to an amount equal to any increase in value of the policies heretofore issued and which shall remain in force, valued by the same rule as upon the issue thereof. [4]No one bond or mortgage

[1] Words "and similar" omitted.

[2] As amended by L. 1909, chaps. 240, 302, L. 1910, ch. 634, and L. 1911, ch. 150.

[3] Words "of the kind in which ... of this chapter," new.

[4] Following sentence new.

so deposited shall be for a less sum than five thousand dollars. The securities thus from time to time deposited, or so large an amount thereof as may be necessary to equal at all times the net value of all the outstanding registered policies and annuity bonds of such corporation, shall be held by the superintendent in trust, as provided in the preceding section, until the obligations of such corporation under such registered policies and annuity bonds shall, to the satisfaction of the superintendent, be fully liquidated, canceled and annulled.

The state shall not be deemed to have incurred any obligation to pay the policies and annuity bonds so issued, beyond the proper application of the securities so deposited toward their liquidation, as in this article provided.

The treasurer of the state, and any person duly authorized by the depositing or reinsuring corporation, shall, at all times, in the usual office hours, have access to the books and other documents in the insurance department relating to the deposits made, and policies and annuity bonds issued, under the provisions of this article, and to such securities as may be necessary for the examination thereof.

The treasurer shall for the services required by this chapter receive an annual salary of two hundred and fifty dollars to be paid by the corporations availing themselves of the provisions of this and the preceding section.

Any such depositing corporation may at any time withdraw any excess of securities above the net present value hereinbefore specified, upon satisfying the superintendent by written proof to be filed in the department that such excess exists, and shall be allowed to receive the interest on all securities deposited and to exchange such securities by substituting other securities of the kind [5]in which the minimum amount of cash capital of domestic insurance corporations is required to be invested by the provisions of section sixteen of article one of this chapter.

§ 2. This act shall take effect immediately.

[5] Remainder of sentence formerly read: "required by law to be deposited by any such corporation."

Chap. 326.

AN ACT to amend the personal property law and the lien law, in relation to liens upon merchandise and the proceeds thereof created by agreement for the purpose of securing the repayment of loans or advances upon the security of said merchandise.

Became a law June 13, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 45 added to L. 1909 ch. 45

Section 1. Chapter forty-five of the laws of nineteen hundred and nine, entitled "An act relating to personal property, constituting chapter forty-one of the consolidated laws," is hereby amended by inserting after section forty-four a new section to be section forty-five thereof, to read as follows:

§ 45. **Notice of liens upon merchandise or the proceeds thereof to secure loans or advances.** Liens upon merchandise or the proceeds thereof created by agreement for the purpose of securing the repayment of loans or advances made or to be made upon the security of said merchandise and the payment of commissions or other charges provided for by such agreement, shall not be void or presumed to be fraudulent or void as against creditors or otherwise, by reason of want of delivery to or possession on the part of the lienor, whether such merchandise shall be in existence at the time of the creation of the lien or shall come into existence subsequently thereto or shall subsequently thereto be acquired by the person creating the lien, provided there shall be placed and maintained in a conspicuous place at the entrance of every building or place in or at which such merchandise, or any part thereof, shall be located, kept or stored, a sign on which is printed in legible English, the name of the lienor and a designation of said lienor as lienor, factor or consignee, and provided further that a notice of the lien is filed, stating:

1. The name of the lienor, and the name under which the lienor does business, if an assumed name; the principal place of business of the lienor within the state; and if the lienor is a partnership or association the names of the partners, and if a corporation the state under whose laws it was organized.

2. The name of the person creating the lien, and the interest of such person in the merchandise, as far as known to the lienor.

3. The general character of merchandise subject to the lien, or which may become subject thereto, and the period of time during which such loans or advances may be made under the terms of the agreement creating the lien.

Such notice must be verified by the lienor or his agent, to the effect that the statements therein contained are true to his knowledge. It must be filed with the officer designated in section two hundred and thirty-two[1] of the lien law, in every town or city where the merchandise subject to the lien, or any part thereof, is or at any time shall be located, kept or stored, and also in the town or city where the principal office or place of business of the lienor within the state is or at any time shall be located. Such officers shall file every such notice presented to them for that purpose and shall endorse thereon its number and the time of its receipt. They shall enter in a book provided for that purpose, in separate columns, the names of the parties named in each notice so filed under the head of "owners" and "lienors," the number of such notice and the date of the filing thereof, and the general character of the merchandise as therein stated. The names of the persons creating the liens, as stated in the notice, shall be arranged in alphabetical order under the head of "owners." Such officers at the time of filing such notice shall upon request issue to the person filing the same a receipt in writing, containing the substance of the entries made or to be made as hereinabove provided. Such officers shall be entitled to receive for their services hereunder, fees at the same rates as provided in section two hundred and thirty-four[1] of the lien law.

Such notice may be filed at any time after the making of the agreement, and shall be effectual from the time of the filing thereof as against all rights of third parties thereafter arising. Upon the payment or satisfaction of indebtedness secured by any lien specified in this section, the lienor or his legal representative, upon the request of any person interested in the said merchandise, must sign and acknowledge a certificate setting forth such payment or satisfaction. The officer or officers with whom the notice of lien is filed must, on receipt of such certificate or a copy thereof certified as required by law, file the same in his office and write the word "discharged" in the book where the notice of lien is entered opposite the entry thereof, and the lien is thereby discharged.

If the agreement creating such lien shall also give the lienor a

[1] As amended by L. 1910, ch. 182.

right to or lien upon accounts receivable resulting from or which may result from a sale or sales of the merchandise subject to the lien, or of part of such merchandise, such right or lien shall not be void or ineffectual as against creditors or otherwise, by reason of want of possession of any such account on the part of the lienor or by reason of failure to make or deliver a further assignment of any such account, provided a bill, invoice, statement or notice shall be mailed, sent or delivered to the person owing such account receivable, stating or indicating that the account is payable to the lienor, and such mailing, sending or delivery of such bill, invoice, statement or notice shall have the same effect as a formal assignment of such account to the lienor named therein.

L. 1909, ch. 38, § 220 amended.

§ 2. Section two hundred and thirty of chapter thirty-eight of the laws of nineteen hundred and nine, entitled "An act in relation to liens, constituting chapter thirty-three of the consolidated laws," is hereby amended so as to read as follows:

§ 230. **Chattel mortgages to be filed.** Every mortgage or conveyance intended to operate as a mortgage of goods and chattels or of any canal boat, steam-tug, scow or other craft, or the appurtenances thereto, navigating the canals of the state, which is not accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things mortgaged, is absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith, unless the mortgage, or a true copy thereof, is filed as directed in this article. [2]This article shall not apply to agreements creating liens upon merchandise or the proceeds thereof for the purpose of securing the repayment of loans or advances made or to be made upon the security of said merchandise and the payment of commissions or other charges provided for by such agreement, where the conditions specified in section forty-five[3] of the personal property law are complied with.

§ 3. This act shall take effect immediately.

[2] Remainder of section new.
[3] As added by § 1, ante.

Chap. 327.

AN ACT to amend section fifteen of the personal property law, relating to trust funds.

Became a law June 14, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen of the personal property law, constituting chapter forty-one of the consolidated laws, is hereby amended to read as follows: L. 1909, ch. 45, § 15 amended

§ 15. **Personal property not alienable in certain cases.**[1] 1. The right of the beneficiary to enforce the performance of a trust to receive the income of personal property, and to apply it to the use of any person, cannot be transferred by assignment or otherwise. But the right and interest of the beneficiary of any other trust in personal property may be transferred. [2]Provided, however, that when the proceeds of a life insurance policy, becoming a claim by death of the insured, are left with the insurance company under a trust or other agreement, the benefits accruing thereunder after the death of the insured shall not be transferable, nor subject to commutation or incumbrance, nor to legal process except in an action to recover for necessaries, if the parties to the trust or other agreement so agree.

2. The provisions of this section shall not impair or affect any rights existing on March twenty-fifth, nineteen hundred and three, [3]nor impair or affect the rights of creditors under section fifty-two of the domestic relations law.

§ 2. This act shall take effect immediately.

[1] Section heading formerly read: "When income of trust fund is not alienable."

[2] Following sentence new.

[3] Remainder of sentence new.

Chap. 328.

AN ACT to amend the code of civil procedure, in relation to distributive shares of infants.

Became a law June 14, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 2746 amended.

Section 1. Section twenty-seven hundred and forty-six of the code of civil procedure is hereby amended to read as follows:

§ 2746. **Idem; share of infant.** When a legacy or distributive share is payable to an infant, the decree may, in the discretion of the surrogate's court, direct it, or so much of it as may be necessary, to be paid to his general guardian, to be applied to his support and education; or when it does not exceed fifty dollars, the decree may order it to be paid to his father [1]or to his mother or to some competent person with whom the infant resides or who has some interest in his welfare, for the use and benefit of such infant. Said court may, in its discretion, by its decree, direct any legacy or distributive share, or part of a legacy or distributive share, not paid or applied as aforesaid, which is payable to an infant, to be paid to the general guardian of such infant, upon his executing and depositing with the surrogate in his office, a bond running to such infant, with two or more sufficient sureties duly acknowledged and approved by the surrogate, in double the amount of such legacy or distributive share, conditioned that such general guardian shall faithfully apply such legacy or distributive share, and render a true and just account of the application thereof, in all respects, to any court having cognizance thereof, when thereunto required, the sureties in which bond shall justify as required in this act, unless the surrogate shall determine that the general bond given by the guardian is ample and of sufficient amount to cover such legacy or distributive share. The said court may, in its discretion, from time to time, authorize or direct such general guardian to expend such part of such legacy or distributive share, in the support, maintenance and education of such infant as it deems necessary. On such infant's coming twenty-one years of age, he shall be entitled to receive, and his general guardian shall pay or deliver to him, under the direction of the surrogate's court, the securities

[1] Remainder of sentence formerly read: "and if his father be dead, then to his mother, for the use and benefit of such infant."

so taken, and the interest or other moneys that may have been paid to or received by such general guardian, after deducting therefrom such amounts as have been paid or expended in pursuance of the orders and decrees of said court, so made as aforesaid, and the legal commissions of such guardian; and the said general guardian shall be liable to account in and under the direction of the surrogate's court, to his ward, for the same; in case of the death of said infant, before coming of age, the said securities and moneys, after making the deductions aforesaid, shall go to his executors or administrators, to be applied and distributed according to law, and the general guardian shall in like manner be liable to account to such administrator or executor. If there be no general guardian, or if the surrogate's court do not order or decree the payment or disposition of the legacy or distributive share in some of the ways above described, then the legacy or distributive share, or part of the same not disposed of as aforesaid, whether the same consists of money or securities, shall, by the order or decree of the surrogate's court be paid and delivered to and deposited in said court, by paying and delivering the same to and depositing it with the county treasurer of the county, to be held, managed, invested, collected, reinvested and disposed of by him, as prescribed and required by section two thousand five hundred and thirty-seven of this act. The regulations contained in the general rules of practice, as specified in subdivision eight of section four of the state finance law, and the provisions of title three of chapter eight of this act apply to money, legacies and distributive shares paid to and securities deposited with the county treasurer, as prescribed in this section; except that the surrogate's court exercises with respect thereto, or with respect to a security in which any of the money has been invested, or upon which it has been loaned, the power and authority conferred upon the supreme court by section seven hundred and forty-seven of this act.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

Chap. 329.

AN ACT to amend the code of civil procedure, in relation to judicial settlement of accounts of executors and administrators.

Became a law June 14, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 2728, first paragraph amended.

Section 1. The first paragraph of section twenty-seven hundred and twenty-eight[1] of the code of civil procedure is hereby amended to read as follows:

§ 2728. **Executors, et cetera, may petition for judicial settlement; citation thereupon.** In either of the following cases an executor or administrator may present to the surrogate's court his account and a written petition, duly verified, praying that his account may be judicially settled; and that the sureties in his official bond or the legal representatives of such surety and all creditors or persons claiming to be creditors of the decedent, except such, as by vouchers annexed to the account filed, appear to have been paid and the decedent's husband or wife, next of kin and legatees, if any there are who shall have any interest in said judicial settlement;[2] or, if either of those persons has died, his executor or administrator, if any, may be cited to attend the settlement.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

Chap. 330.

AN ACT to amend the code of civil procedure, in relation to waiver of the issuance and service of a citation in any proceeding in surrogate's court.

Became a law June 14, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 2528 amended.

Section 1. Section twenty-five hundred and twenty-eight of the code of civil procedure is hereby amended to read as follows:

1 Section 2728 is again amended by L. 1911, ch. 494, post. See note to that chapter.

2 Words "there are who shall have any interest in said judicial settlement," new.

§ 2528. **Appearance, how made; and effect thereof.** In a surrogate's court, a party of full age may, unless he has been judicially declared to be incompetent to manage his affairs, prosecute or defend a special proceeding, in person or by attorney regularly admitted to practice in the courts of record, at his election, except in a proceeding to punish him for contempt, or where he is required to appear in person, by special provision of law, or by a special order of the surrogate. The issue and service of a citation may be waived either before or after the filing of the petition in such proceeding[1] by a party in any proceeding by an instrument in writing, acknowledged or approved as a deed entitled to be recorded, or by personal appearance or by his attorney with written authorization executed and acknowledged as a deed and filed in the office of the surrogate. The appearance of a party against whom a citation has been issued, has the same effect as the appearance of a defendant in an action brought in the supreme court.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

Chap. 331.

AN ACT making an appropriation for the purpose of constructing, equipping and furnishing buildings for the Northern New York Institution for Deaf Mutes, located at Malone, New York, made necessary by the recent destruction by fire of the main building of said institution; said appropriation being in addition to thirty-two thousand dollars received from insurance on the property so destroyed.

Became a law June 14, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of eighty-five thousand dollars ($85,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of constructing, equipping and furnishing buildings for the Northern New York Institution for Deaf Mutes, located at Malone, New York, made necessary by the recent destruction by

[1] Words "either before or after the filing of the petition in such proceeding," new.

fire of the main building of said institution; said appropriation being in addition to thirty-two thousand dollars received from insurance on the property so destroyed. Such buildings shall be built under the supervision and direction of the state architect and in accordance with plans and specifications prepared by him. This appropriation shall be payable by the state treasurer on the warrant of the comptroller upon the certificates of the state architect.

§ 2. This act shall take effect immediately.

Chap. 332.

AN ACT in relation to the water department, its finances, and local assessments for water supply purposes in the village of Scotia in the county of Schenectady.

Became a law June 14, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Assessments instead of tax for deficiencies, etc., authorized.

Section 1. Upon the adoption of a proposition therefor, in the time and manner hereinafter provided, by the electors of the village of Scotia, in the county of Schenectady, thereafter assessments on real property abutting on public water mains in such village for raising the sums of money required to meet the annual deficiencies between the revenues of the water department of such village and its annual disbursements, including interest on the water bonds, shall be made and collected instead of raising the same by the general village tax, and such assessments shall be on the basis of the feet frontage of all such property instead of the value thereof; also, in addition to the moneys and revenues raised by taxation, assessments and otherwise, which the water department is authorized to disburse for running expenses and repairs, and the extension of water mains or enlarging or improving water works, there shall be raised by taxation annually in said village in the same manner that other village funds are raised, a sum sufficient, by a graduated increase, to provide a sinking fund to meet the water bonds within the limits prescribed by law and all notes and other evidences of indebtedness, within like limits, of the village issued to raise money for the water department or for its objects and purposes.

Annual tax for sinking fund.

§ 2. There shall be submitted to the electors of the village of Scotia, in the county of Schenectady, at the regular village election in the month of March, nineteen hundred and twelve, or there may be submitted to such electors at any special election held prior thereto and called and conducted in the same manner that other special elections are authorized to be called and held in said village, the following proposition: "Shall the provisions of section one of chapter (here insert the chapter number of this act) of the laws of nineteen hundred and eleven apply to and control the method of raising money for the purposes of the water department and the redeeming of village obligations mentioned in said act?" Upon the approval of such proposition by the affirmative vote of a majority of the electors of such village voting thereon, the provisions of section one of this act shall apply to and control the matters therein mentioned within such village. Such proposition shall be submitted not later than the regular village election hereinabove referred to. Submission of proposition directed.

§ 3. Upon the adoption of such proposition, the provisions of section one shall continue in force until such time as there are no water bonds or notes or other evidences of indebtedness of said village unpaid and outstanding and thereafter until such time as there is no such annual deficiency in the receipts and disbursements of the water department as that set forth in the provisions of section one relating to assessments on real property abutting on the public water mains in such village. Provisions of § 1 to be in force until when.

§ 4. This act shall take effect immediately.

Chap. 333.

AN ACT reappropriating for the department of excise certain unexpended balances of appropriations heretofore made for such department.

Became a law June 14, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two thousand dollars ($2,000), being the appropriation made by chapter five hundred and thirteen, laws of nineteen hundred and ten, for the purpose of fitting the auditor's room of the excise department with suitable cases, shelving Reappropriation for law books and book stacks.

and other necessary repairs, and for the storage of blanks, blank books and records, is hereby reappropriated for the following purposes: For law books, book stacks and book cases.

Reappropriation for miscellaneous purposes.

§ 2. The sum of one hundred thousand dollars ($100,000) of the unexpended balance of the appropriation made by chapter five hundred and twelve, laws of nineteen hundred and ten, for the payment of rebates on surrender of liquor tax certificates, under the provisions of the liquor tax law, is hereby reappropriated for the following purposes: For the salaries and expenses of special agent service, including salaries of sixty special agents, and salaries and expenses of special detective service, thirty-five thousand dollars ($35,000), or so much thereof as may be necessary; for expenses incurred in the enforcement of section thirty-three,[1] chapter thirty-nine, laws of nineteen hundred and nine, being the liquor tax law, including attorneys' fees and expenses, expert services, storage, transportation and destruction of liquors, twenty thousand dollars ($20,000), or so much thereof as may be necessary; for temporary services, ten thousand dollars ($10,000), or so much thereof as may be necessary; for furniture, including desks, tables, office chairs and office fixtures, metal filing cases and metal stacks, ten thousand dollars ($10,000), or so much thereof as may be necessary; for incidental office expenses and services of laborers, five thousand dollars ($5,000), or so much thereof as may be necessary; for legal expenses, including salaries of attorneys and law stenographers for Albany, New York, Brooklyn and Buffalo offices, and compensation, costs, expenses and disbursements of attorneys under the provisions of section seven of the liquor tax law, twenty thousand dollars ($20,000), or so much thereof as may be necessary.

Same

§ 3. The sum of fourteen thousand forty-five dollars and seventy-eight cents ($14,045.78), being the unexpended balances of the appropriations made by chapter four hundred and thirty-two, laws of nineteen hundred and nine, for salaries, Albany office, five thousand eight hundred eighty-seven dollars and forty-eight cents ($5,887.48); salaries, New York office, seven hundred twenty-six dollars and fifty-three cents ($726.53); salaries, Buffalo office, two hundred twelve dollars and fifty cents ($212.50); salaries, Monroe office, one hundred twenty-four dollars and ninety-four cents ($124.94); salaries, Niagara office, thirty dollars and twenty-six cents ($30.26); expenses, Monroe office, fifty-

[1] As amended by L. 1909, ch. 281 and L. 1910, ch. 485.

five dollars and fifty-one cents ($55.51); Niagara office, thirty-two dollars and sixty-one cents ($32.61); Oneida office, two hundred twenty-seven dollars and eighty-six cents ($227.86); Queens office, three hundred fifteen dollars and seventy-four cents ($315.74); Rensselaer office, two hundred eighty dollars and fifty-eight cents ($280.58); Richmond office, one hundred sixty-two dollars and one cent ($162.01); rent, New York office, eight hundred twenty-five dollars and eight cents ($825.08); for actual and necessary traveling expenses of the state commissioner of excise, seven hundred eighty-five dollars and ninety-eight cents ($785.98); for actual and necessary traveling expenses, deputy commissioner of excise, one hundred forty-four dollars and sixty-six cents ($144.66); for expenses of enumeration and determining amount of excise taxation in several localities, including supervision, two thousand five hundred forty-four dollars and fifty-nine cents ($2,544.59); examination of offices of the special deputy commissioners and county treasurers, one thousand five hundred ninety-nine dollars and twenty-one cents ($1,599.21); and the sum of ninety dollars and twenty-four cents ($90.24), being the unexpended balance of an appropriation made by chapter five hundred and thirteen of the laws of nineteen hundred and ten for the purpose of preparing, printing and binding an edition of the liquor tax law, is hereby reappropriated for the following purposes:

For departmental expenses, eight thousand nine hundred seventy-one dollars and ten cents ($8,971.10); for the personal expenses and disbursements of the state commissioner of excise in the performance of his official duties, seven hundred eighty-five dollars and ninety-eight cents ($785.98); for the personal expenses and disbursements of the deputy commissioner of excise in the performance of his official duties, one hundred forty-four dollars and sixty-six cents ($144.66); for expenses of enumeration and determining amount of excise taxation in several localities, including supervision, two thousand five hundred forty-four dollars and fifty-nine cents ($2,544.59); and for examination of offices of the special deputy commissioners and county treasurers, one thousand five hundred ninety-nine dollars and twenty-one cents ($1,599.21).

Payments how made

§ 4. The sums hereby reappropriated shall be paid by the treasurer on the warrant of the comptroller and the certificate of the state commissioner of excise.

§ 5. This act shall take effect immediately.

Chap. 334.

AN ACT to repeal certain sections of the education law, relating to the division of union free school districts.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1910, ch. 140, §§ 130-132, 134 repealed.

Section 1. Sections one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two and one hundred and thirty-four of chapter one hundred and forty of the laws of nineteen hundred and ten, entitled "An act to amend the education law,[1] generally," are hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 335.

AN ACT to amend the public health law, relating to cold storage and refrigerating warehouses and places, and the sale or disposition of the food kept or preserved therein.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Art. 16a added to L. 1909, ch. 49.

Section 1. Chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," is hereby amended by adding after article sixteen thereof, a new article, to be article sixteen-a, to read as follows:

ARTICLE 16-A.

COLD STORAGE.

Section 335. Definitions.
336. Cold storage food to be marked.
337. Time that cold storage food may be kept.
338. Powers of state commissioner of health.

[1] L. 1909, ch. 21.

Section 339. Reports of warehousemen.
339-a. Transfers from one warehouse to another.
339-b. Prohibits return of food to cold storage when once released for purpose of placing same on market for sale.
339-c. Prohibits sale of food kept in cold storage without representing said fact.
339-d. Penalties.

§ 335. **Definitions.** The term food as used in this article shall include any article, except nuts, fruits, cheese and vegetables, used for food by man or animal and every ingredient of such article.

§ 336. **Cold storage food to be marked.** It shall hereafter be unlawful for any person or persons, corporation or corporations, engaged in the business of cold storage warehousemen or in the business of refrigerating, to receive any kind of food unless the said food is in an apparently pure and wholesome condition, and the food or the package containing the same is branded, stamped or marked, in some conspicuous place, with the day, month and year, when the same is received in storage or refrigeration.

It shall be unlawful for any person or persons, corporation or corporations, engaged in the business of cold storage warehousemen or in the business of refrigerating to permit any article of any kind whatsoever used for food in the possession of any person or persons, corporation or corporations, engaged in the business of cold storage warehousemen or refrigerating, to be taken from their possession without first having branded, stamped or marked on said food stuffs or the package containing same, in a conspicuous place, the day, month and year, when said food stuffs or package was removed from cold storage or refrigeration.

§ 337. **Time that cold storage foods may be kept.** It shall hereafter be unlawful for any person, corporation or corporations, engaged in the business of cold storage warehousemen or refrigerating, to keep in storage for preservation or otherwise any kind of food or any article used for food a longer period than ten calendar months, excepting butter products which may be kept in said cold storage or refrigeration twelve calendar months.

§ 338. **Powers of state commissioner of health.** The state commissioner of health is hereby vested with full power and authority to inspect and supervise all places in this state now used or hereafter to be used for cold storage or refrigerating purposes; the state commissioner of health or his duly authorized agents or

employees shall be permitted access to such place or places and all parts thereof at all times for the purpose of seeing that said place or places are kept and maintained in a clean and sanitary manner, and for the purpose of determining whether or not the provisions of this article or any other act relating to food stuffs are being complied with. The power of supervision hereby granted shall extend to enable the state commissioner of health to adopt such reasonable rules and regulations as may be determined upon from time to time as essential to the proper protection of the consumer of the commodities kept and preserved in such place or places, and the state commissioner of health may appoint and designate from time to time such person or persons as he deems fit for the purpose of making such inspections.

§ 339. **Reports of warehousemen.** All persons or corporations engaged in the business of cold storage warehousemen, or in the business of refrigerating, shall submit reports to the state department of health, upon printed forms to be provided by said state department of health, setting forth in itemized particulars the quantity of each and every food stuff in storage or in the control of said person or persons, corporation or corporations; said reports shall be filed on or before the twenty-fifth day of January, May and September of each year, and reports so rendered shall show conditions existing upon the first day of the month in which said report is filed.

§ 339-a. **Transfers from one warehouse to another.** The transfer of any food from one cold storage or refrigerating warehouse to another for the purpose of evading any provisions of this article is hereby prohibited.

§ 339-b. **Prohibits return of food to cold storage when once released for purpose of placing same on market for sale.** When food has been in cold storage or refrigeration and is released therefrom for the purpose of placing the same on the market for sale it shall be a violation of the provisions of this article to again place such food in cold storage or refrigeration.

§ 339-c. **Prohibits sale of food kept in cold storage without representing said fact.** It shall be a violation of the provisions of this article to sell any article or articles of food that have been kept in cold storage or refrigeration, without representing the same to have been so kept.

§ 339-d. **Penalties.** Any person or persons, corporation or corporations, or officer or officers thereof, violating any of the provisions of this article shall be guilty of a misdemeanor. The

conviction of any corporation shall not operate to relieve any officer or officers, agents or employees of such corporation from prosecution under the provisions of this article.

§ 2. This act shall take effect immediately.

Chap. 336.

AN ACT to legalize, ratify and confirm the sale and issuance of the bonds of the village of Saranac Lake in the aggregate amount of sixty-seven thousand dollars, and to provide for the payment of the principal and interest of the same.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bonds legalized and validated.

Section 1. All, and each, of the bonds of the village of Saranac Lake sold and awarded at a price not less than par and at the lowest rate of interest offered therefor, at a public sale thereof held on the third day of October, nineteen hundred and ten, amounting in the aggregate to the sum of sixty-seven thousand dollars, and consisting of the following bonds, viz.: twenty-eight registered water bonds of the denomination of one thousand dollars each, numbered one to twenty-eight inclusive, dated May first, nineteen hundred and ten, and payable one bond as consecutively numbered on May first in each of the years nineteen hundred and forty to nineteen hundred and sixty-seven inclusive, bearing interest at the rate of four and four-tenths per centum per annum, payable semi-annually; fifteen registered paving bonds of the denomination of one thousand dollars each, numbered one to fifteen inclusive, dated September first, nineteen hundred and nine, and payable one bond as consecutively numbered on September first in each of the years nineteen hundred and fifteen to nineteen hundred and twenty-nine inclusive, bearing interest at the rate of four and one-half per centum per annum, payable semi-annually; twenty-five fire station registered bonds of the denomination of six hundred dollars each, numbered one to twenty-five inclusive, dated July first, nineteen hundred and ten, and payable one bond as consecutively numbered on July first in each of the years nineteen hundred and fifteen to

nineteen hundred and thirty-nine inclusive, bearing interest at the rate of four and forty-five one-hundredths per centum per annum, payable semi-annually; and eighteen registered crematory bonds of the denomination of five hundred dollars each, numbered one to eighteen inclusive, dated August first, nineteen hundred and ten, and payable one bond as consecutively numbered on the first day of August in each of the years nineteen hundred and fifteen to nineteen hundred and thirty-two inclusive, bearing interest at the rate of four and forty-five one-hundredths per centum per annum, payable semi-annually; all of said bonds being signed by the president and treasurer, and attested by the clerk under the corporate seal of said village, are hereby legalized and declared to be valid obligations of said village, notwithstanding any defect or irregularity, or the omission of any lawful requirement in the acts and proceedings of the qualified voters, board of trustees, officers and agents of said village leading up to and including the sale and award of said bonds; and the proper officer or agent of said village is hereby directed to deliver said bonds to the purchasers thereof, their assignee or nominee, upon the receipt of the amount offered therefor by the purchasers thereof, at such sale as aforesaid.

Delivery directed.

Tax for payment.

§ 2. The proper officers of said village, in the manner provided by law, shall cause such amounts to be raised annually, by tax, as shall be necessary to pay the interest and principal of said bonds as the same shall become due, until such bonds and the interest thereon are fully paid.

Pending actions.

§ 3. This act shall not affect any action or proceeding pending in any court at the time it takes effect.

§ 4. This act shall take effect immediately.

Chap. 337.

AN ACT to amend chapter seven hundred and fifty-one of the laws of nineteen hundred and seven, entitled "An act to revise the charter of the city of Binghamton," relative to taxpayers' election.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and six of chapter seven hundred and fifty-one of the laws of nineteen hundred and seven, entitled "An act to revise the charter of the city of Binghamton," is hereby amended so as to read as follows: L. 1907, ch. 751, § 406 amended.

§ 406. **Special elections to authorize bonding.** Whenever the common council by an ordinance to be passed by a two-thirds vote of all the members elected thereto, shall declare that the necessity exists or the public interests demand the expenditure of a greater amount of money for some extraordinary or special purpose than said council shall have raised or deems expedient to raise in the annual tax budget for that year, and such ordinance be approved by the board of estimate and apportionment, as provided in section eighty-one of this act, or whenever the board of education shall make a certificate as provided in section four hundred and four of this act, said common council shall, by ordinance, direct the holding of a special election by the resident taxpayers of the city for the purpose of determining by ballot whether bonds shall be issued by the city for the purpose and to the amount specified in said ordinance. Such ordinance shall fix and appoint not less than seven polling places[1] for the holding of such special election, and shall designate the districts within which the resident taxpayers shall vote,[2] and fix the date for holding of such special election,[3] which shall not be less than two weeks after the first publication in the next succeeding section provided.

1 Words "not less than seven polling places," substituted for words "some central and convenient place."

2 Words "and shall designate the districts within which the resident taxpayers shall vote," new.

3 Words "of such special election," substituted for word "thereof."

§ 408 amended.

§ 2. Section four hundred and eight of chapter seven hundred and fifty-one of the laws of nineteen hundred and seven is hereby amended so as to read as follows:

§ 408. **Inspectors to be appointed; certified copy of names of taxpayers;**[4] **oath of inspectors.** The common council shall appoint three freeholders of the city, inspectors of such special election, for each of the polling places,[5] and may fill vacancies occurring in their number. The city[6] clerk shall[7] certify and deliver to the inspectors for each polling place a copy of the names of all taxpayers appearing upon the last annual tax roll of said city, made next preceding such special election, which certified copy of the names of all taxpayers shall be conclusive evidence of the names of all taxpayers upon said last annual tax roll of said city. The inspectors of such special election shall take the oath required by law of inspectors of election and they shall have the same power and perform the same duties and in like manner as the ordinary inspectors of election. The polls of said election shall be opened at six o'clock in the forenoon and remain open until six o'clock in the afternoon.

§ 409 amended.

§ 3. Section four hundred and nine of chapter seven hundred and fifty-one of the laws of nineteen hundred and seven is hereby amended so as to read as follows:

§ 409. **Who entitled to vote.** Every resident of the city of the age of twenty-one years or upwards whose name shall be on the last annual tax roll of said city made next preceding such special election and against whom, or whose real or personal estate a tax may be imposed upon said roll, and no other person, shall be entitled to vote at such special election, [8]at the polling place within the district in which the person desiring to vote shall reside.

§ 411 amended.

§ 4. Section four hundred and eleven of chapter seven hundred and fifty-one of the laws of nineteen hundred and seven is hereby amended so as to read as follows:

§ 411. **Challenges; procedure thereon.** If a person offering to vote at such special election shall be challenged in relation to his or her rights, by any other person entitled to vote thereat one of the inspectors shall tender to him or her the following oath or af-

[4] Words "clerk to attend" omitted. Words "certified copy of names of taxpayers," new.

[5] Words "for each of the polling places," new.

[6] Word "city" new.

[7] Words "attend such election, and have with him the last annual tax roll filed in his office," omitted. Remainder of sentence new.

[8] Remainder of sentence new.

firmation: "You swear (or affirm) that you are a resident of the city of Binghamton and of this special election district,[9] aged twenty-one years or upwards, and that you have not voted at this election." If he or she shall take the oath, and his or her name shall be found on the certified copy of[10] the tax roll,[11] his or her vote shall be received. If he or she shall decline to take it, it shall not be received.

§ 413 amended.

§ 5. Section four hundred and thirteen of chapter seven hundred and fifty-one of the laws of nineteen hundred and seven is hereby amended so as to read as follows:

§ 413. **Inspectors to file certificate.** The inspectors, of each district,[12] of special elections held pursuant to the provisions of this title shall make and sign a certificate of the number of votes for and against the proposition voted upon, and shall file the same with the city clerk upon the same or the next succeeding day.

§ 414 amended.

§ 6. Section four hundred and fourteen of chapter seven hundred and fifty-one of the laws of nineteen hundred and seven is hereby amended so as to read as follows:

§ 414. **Duty of clerk as to certificates;[13] if vote favorable, bonds to be issued.** The clerk shall lay such certificates[13] before the common council, and the same shall be recorded at length in the record of its proceedings. A copy of the record of such certificates[13] duly certified by the clerk, shall be conclusive evidence of the facts therein stated. [14]The common council upon such certificates shall by ordinance declare and determine the aggregate number of votes for and against the proposition voted upon. If the majority of the votes cast at such special election, as declared and determined by the common council,[15] shall be in the affirmative, the city, by its proper officers as in this act provided, may issue its bonds in the amount and for the purpose specified in the ordinance directing such special election.

§ 7. This act shall take effect immediately.

[9] Words "and of this special election district," new.
[10] Words "the certified copy of," new.
[11] Words "as provided in section four hundred and nine of this act," omitted.
[12] Words "of each district" new.
[13] Formerly read: "certificate."
[14] Following sentence new.
[15] Words "declared and determined by the common council," substituted for words "shown by such certificate."

Chap. 338.

AN ACT making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and ten, of interest on the canal debt contracted or to be contracted under article seven, section four of the constitution.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two hundred thousand dollars ($200,000) is hereby appropriated from the sinking fund under article seven, section four of the constitution for the payment of the interest on the debt contracted or to be contracted under said section, and as provided by chapter one hundred and forty-seven of the laws of nineteen hundred and three, chapter three hundred and two of the laws of nineteen hundred and six, as amended by chapter two hundred and forty-one of the laws of nineteen hundred and nine, and chapter sixty-six of the laws of nineteen hundred and ten, as the same shall become due and payable during the fiscal year beginning on the first day of October, nineteen hundred and ten.

§ 2. This act shall take effect immediately.

Chap. 339.

AN ACT reappropriating an unexpended balance for the improvement of the canals.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of nine hundred twenty-seven thousand one hundred six dollars and ninety-five cents ($927,106.95), being the unexpended balance of the appropriation made by chapter three hundred and ninety-one of the laws of nineteen hundred and nine, to be expended in carrying out the purposes of the act

for the improvement of the Cayuga and Seneca canals, as provided by chapter three hundred and ninety-one of the laws of nineteen hundred and nine, is hereby reappropriated from the same funds and for the same purpose as provided by said act.

§ 2. This act shall take effect immediately.

Chap. 340.

AN ACT to amend chapter seven hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act constituting the charter of the city of Rochester," in relation to the establishment of a public library.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections fifteen and eighteen of chapter seven hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act constituting the charter of the city of Rochester," are hereby amended so as to read as follows, respectively: L. 1907, ch. 755, §§ 15, 18 amended.

§ 15. **Appointive officers.** The officers appointed by the mayor are: Commissioner of public works, city engineer, twenty-one commissioners of parks, commissioner of public safety, commissioner of charities, corporation counsel, three commissioners of Mount Hope, four commissioners of markets, five trustees of public library,[1] three examiners of stationary engineers, two midwife examiners, commissioners of deeds, and such other officers as he is authorized to appoint by this act or otherwise by law, or whose appointment is not otherwise provided for.

§ 18. **Term of office of appointive officers.** The term of office of midwife examiners is two years; of commissioners of Mount Hope, of commissioners of markets, and of examiners of stationary engineers, three years; of commissioners of parks, four years; of trustees of public library, five years, the first trustees to be appointed for terms of one, two, three, four and five years, re-

[1] Words "five trustees of public library," new.

spectively;[2] such term of office to be computed from the first day of January in the year in which the appointment is made. The term of office of commissioner of deeds is of such duration as is or may be fixed by law. All other officers appointed by the mayor hold office during his pleasure, unless otherwise specified in this act or by law.

Subd. 9 added to § 383.

§ 2. Section three hundred and eighty-three of said act is hereby amended by adding thereto a new subdivision, to be numbered nine, and to read as follows:

9. Use of schools for libraries. Permit the board of trustees of public library to use school buildings or parts thereof for the establishment and maintenance of libraries.

§§ 406, 407 added.

§ 3. Article fourteen of said act is hereby amended by adding thereto two new sections, to be sections four hundred and six and four hundred and seven, and to read as follows, respectively:

§ 406. **Board of trustees of public library.** The board of trustees of public library consists of the mayor, the president of the board of education and the five trustees of public library appointed by the mayor, and it must annually elect one of its members president.

§ 407. **Powers and duties of board of trustees of public library.** The board of trustees of public library has power to appoint to hold office during its pleasure, such subordinates as may be prescribed by the board of estimate and apportionment, and to make rules for the transaction of its business, and subject to the approval of the board of estimate and apportionment, to contract with corporations for the use of real and personal property for library purposes; and it is its duty to establish a public library and branches thereof from time to time, and to make rules for the use of the same, and it has control, supervision, management and government thereof, and of the maintenance, increase and extension thereof, and it has the same power as heads of departments to authorize the expenditure of moneys.

§ 4. This act shall take effect immediately.

[2] Words "of trustees of public library . . . respectively," new.

Chap. 341.

AN ACT to amend chapter five hundred and six of the laws of nineteen hundred and two, as amended by chapter six hundred and three of the laws of nineteen hundred and six, entitled "An act to amend the charter of the village of Saratoga Springs, and to provide for the appointment of sewer, water and street commissioners for said village, and to prescribe their powers and duties," in relation to the commissioner borrowing money for certain purposes.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of chapter five hundred and six of the laws of nineteen hundred and two, as amended[1] by chapter six hundred and three of the laws of nineteen hundred and six, is hereby amended to read as follows: L. 1902, ch. 506, § 12 amended.

§ 12. It shall be the duty of the commissioners appointed pursuant to the provisions of this act on or before the first day of May in each year, after the passage of this act, to report to the board of trustees of said village the general condition of the streets, bridges, culverts, sidewalks, lanes and alleys, with estimates of the probable expenses to put them in good repair, and so maintain them during the ensuing year and the current expenses of the board; also estimates of the amount required for the grading, working, building, and preparing for travel, new streets and avenues, and streets and avenues widened pursuant to law by them, but which have not been prepared for travel; also estimates of the probable amount so required to make such permanent improvements in paving and macadamizing or otherwise improving streets and avenues, as the board shall determine to make during the ensuing year; also estimates of the amount necessary for the payment of the principal and interest falling due on any sewer bonds and the amount required for the maintenance of the system of sewers and water carriers, and for the maintenance and operation of the plant for the disposal of the sewerage of the village; also a statement of the principal and interest of the bonded water indebtedness of the said village, the items of their receipts and dis- Annual report of commissioners. Estimates

[1] Section 12 was not, in fact, amended by L. 1906, ch. 603.

bursements during the preceding year and the amount of money to their credit applicable to the payment of such indebtedness and an estimate of the amount necessary to be raised for the purpose of paying any deficiency; also a statement of the number and condition of the street lamps and all existing contracts for lighting streets and public buildings and for lighting, extinguishing, cleaning and keeping in order lamps and other appliances therefor; together with estimates of the amount required to be paid for such purpose during the ensuing year; also a statement of all leases and contracts for lands or premises leased or purchased for hack stands or market places and an estimate of all amounts required for the payment of rent or of the purchase price thereof, or the interest thereupon, and an estimate of such further amount as shall be required for preparing, keeping in order and regulating all hack stands and market places; the amount of which rents and interest shall not exceed fifteen hundred dollars in any one year and the amount of which purchase price shall not exceed the sum of ten thousand dollars. The trustees shall include the amount of such estimates in the next village tax levy, and the same shall be collected by the receiver of taxes, but there shall not be raised a greater sum than ten thousand dollars in any one year for the repair and maintenance of streets and avenues and current expenses of the board; nor a greater sum than five thousand dollars in any one year for preparing new streets and avenues, and streets and avenues widened pursuant to law by them for travel; nor a greater sum than five thousand dollars in any one year thereafter for permanent improvements. The amounts collected for the several purposes specified in this section shall be kept by the receiver of taxes in separate accounts, and all certificates of said commissioners to claims for indebtedness incurred by them shall specify from which account they are payable. Said commissioners shall have power to raise by loan, in anticipation of the collection of such taxes, any sum required for the purposes of this act, [1]when authorized by a resolution of the board of trustees. Said commissioner is authorized to borrow, or to raise by loan upon the credit of the village, a sufficient sum for the purpose of paying any bond, or bonds, or installment of interest on any bond or bonds now due, or to become due, prior to the collection of the village tax for the year nineteen hundred and eleven, and any further sum that may be necessary to meet any other outstanding

Tax levy to include estimates.

Account of amounts collected.

Temporary loans in anticipation of collection of taxes.

[1] Remainder of section new.

obligations of said village, which sum so borrowed is not to exceed the amount authorized by law to be levied and collected under this section, and the same is to be paid out of the village taxes for the year nineteen hundred and eleven, when collected.

§ 2. This act shall take effect immediately.

Chap. 342.

AN ACT to amend chapter one hundred and eleven of the laws of eighteen hundred and fifty-one, entitled "An act to amend the several acts incorporating the village of Owego in the county of Tioga," in relation to creating a board of cemetery commissioners for said village and defining their powers and duties, and providing for their salaries and the maintenance of Evergreen cemetery at the expense of said village.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter one hundred and eleven of the laws of eighteen hundred and fifty-one, entitled "An act to amend the several acts incorporating the village of Owego in the county of Tioga," is hereby amended by adding thereto after section sixty-seven, as added by chapter one hundred and thirty-nine of the laws of nineteen hundred and two, a new section to be known as section sixty-eight, to read as follows:

§ 68 added to L. 1851, ch. 111.

§ 68. 1. A board of cemetery commissioners for the village of Owego, New York, is hereby created, which board shall consist of four commissioners, who shall have the entire supervision and control of Evergreen cemetery, now owned by said village, and of any other cemetery hereafter acquired by said village. Said board shall consist of the following named residents of the village of Owego, whose terms of office shall expire as follows: William H. Corey, on the first day of March, nineteen hundred and twelve; Louis H. Leonard, on the first day of March, nineteen hundred and thirteen; John J. Anderson, on the first day of March, nineteen hundred and fourteen; Frank M. Baker, on the first day of March, nineteen hundred and fifteen.

Board of cemetery commissioners created.

Duties.

Commissioners named; terms.

Terms of future commissioners. Vacancies.

2. The term of office of commissioners hereafter chosen (except to fill vacancies), as the terms of the commissioners expire, shall be four years. In case of a vacancy occurring previous to the expiration of a commissioner's term of office, then said vacancy shall be filled, and a successor shall be chosen for the balance of the unexpired term. Each commissioner at the time he is chosen to such office must be a resident of the village of Owego and qualified to vote at the last village election previous to his appointment or election to said office. He must be the owner of a lot or part of a lot in said cemetery, by purchase or inheritance, and must have been taxed on the last assessment-roll of said village previous to his election or appointment as a commissioner. Not more than two commissioners on said board at any one time shall belong to or be identified with the same political party, in order that such board may always be nonpartisan. An appointment or election made contrary to and without observing the foregoing qualifications or limitations shall be void.

Qualifications of commissioners.

Commissioners, how chosen.

3. The commissioners for full terms and to fill vacancies during terms shall be chosen as follows: The board of cemetery commissioners, consisting of those members in office whose terms have not expired, shall within thirty days after such vacancy occurs in case of the death, resignation, removal from office, or removal from the village of Owego of a commissioner, and shall during the month previous to the expiration of the term of office of a commissioner, nominate in writing and present to the board of trustees of the village of Owego the name of a person to fill such vacancy, or of a successor of the commissioner whose term of office has expired, as the case may be. It shall be the duty of said board of trustees to confirm said nomination and appoint said commissioner so proposed, or reject said nomination within fifteen days after said nomination is made by said commissioners. If the board of trustees of said village fails or neglects to confirm by appointment a commissioner nominated by said board of cemetery commissioners within one month after a commissioner's term of office expires, or vacancy occurs by the death, resignation, removal from office or the removal from the village of Owego of a commissioner, then the said board of trustees of said village shall appoint a commissioner for the full term in place of the commissioner whose term has expired, or to fill the vacancy for the balance of the unexpired term, as the case may be.

Removal from office.

4. Any commissioner herein named or hereafter appointed may be removed from office by a majority vote of the board of trustees

of the village of Owego, but only after written charges made by five or more lot owners of Evergreen cemetery or other cemetery owned by said village have been preferred against such commissioner and an opportunity given him to answer such charges.

Certain papers, etc., to be delivered to commissioners.

5. All papers, books and records, except those relating to investments, securities and moneys on hand, in the possession of or under the control of the board of trustees of said village, relating to Evergreen cemetery, shall be delivered to such board of cemetery commissioners. The clerk of the village shall take a receipt therefor from such board of cemetery commissioners.

Conveyance of lots.

6. The said board of cemetery commissioners shall cause that part of Evergreen cemetery not heretofore divided into lots, and any land hereafter acquired for cemetery purposes, to be divided into lots, and provide for the conveyance thereof to individuals or associations for the sole purpose of interments, and upon the payment of the purchase price of any lot shall, in the name of the village of Owego, execute, acknowledge and deliver a conveyance to the purchaser thereof, and said board may adopt reasonable rules and regulations for the recording of such conveyances or any subsequent conveyances thereof by the purchaser or purchasers. Said conveyances shall be signed by the chairman of said board of cemetery commissioners and attested by the secretary of said board. All funds received by said board of cemetery commissioners, or either of the members of said board, from the sale of lots or from other sources relating to said cemetery, shall be paid over to the village treasurer, who shall receipt therefor, and shall credit the same to the proper cemetery fund; and all moneys paid out or expended by said commissioners shall be paid by order signed by the chairman and countersigned by the secretary of said board, drawn on the village treasurer, and charged by said treasurer to the cemetery fund. The board of cemetery commissioners shall render an itemized report of their receipts and expenditures monthly in writing to the board of trustees of said village.

Disposition of funds received.

Moneys how paid out.

Monthly report.

Estimates

7. It shall be the duty of said board of cemetery commissioners, previous to the fifteenth day of January in each year, to estimate all the necessary expenses for the current year for the care, maintenance, improvement and enlargement of such cemetery, and the salaries of officers and employees, exclusive of such moneys as shall be received from other sources, and shall transmit the same to the board of trustees of the village of Owego, New York.

To be incorporated in tax budget.

whose duty it shall be to incorporate the amount, or such part thereof as said board of trustees may approve, in the tax budget of the current year, and certify the same to the assessors of the village of Owego; but not more than two thousand five hundred dollars shall be raised in any one year for such purpose unless authorized by a vote of the taxable inhabitants of the village of Owego at a special election called for that purpose in the manner provided by the general village law of the state.

Donations, etc., in trust or otherwise to vest in village.

8. All money or property donated, given, bequeathed or devised to said board of cemetery commissioners in trust, in perpetuity or otherwise, for the purpose of having such property or the income thereof applied to the improvement or embellishment of such cemetery, or the erection or preservation of a building, structure, fence or walk therein, or for the renewal, erection or preservation of a tomb, monument, stone, fence, railing, or other erection or structure in or around any lot therein, or the planting or cultivation of trees, shrubs, flowers or plants in or about a lot therein, or for otherwise caring for and maintaining a lot therein according to the terms of such donation, grant, devise or bequest, shall be deemed to and shall vest said donation, gift, devise or bequest in the village of Owego in trust or in perpetuity, as the case may be, and said property or funds when received by said commissioners shall be immediately turned over to the village treasurer to be invested by the board of trustees of said village in the name of said village as a part of the permanent cemetery fund, the income of which fund shall be subject to the use and control of said board of cemetery commissioners for the purpose of carrying out the provisions and directions in the instrument creating such trust, and the principal of which shall be subject to the order and direction of said board of cemetery commissioners in cases where the instrument creating the donation, gift, bequest or devise directs the expenditure of said principal.

How invested.

Use and control of principal and income.

Ordinances of commissioners.

9. Said board of cemetery commissioners may adopt reasonable ordinances for:

(a) The care, management and protection of the cemetery grounds.

(b) The use, care and protection of lots therein.

(c) The conduct of persons within the cemetery grounds, and the exclusion of improper persons therefrom.

(d) Regulating the dividing marks between the various lots and parts of lots, and their size, shape and location.

(e) Preventing improper monuments, effigies and structures within said cemetery.

(f) Regulating the introduction and growth of plants, trees and shrubs within such grounds.

(g) Preventing the use of firearms, or the killing of any bird or animal therein.

(h) The prevention of the burial in any lot or part of lot of any person not entitled to burial therein.

Said board of cemetery commissioners may fix the penalties, not to exceed twenty dollars, for violation of such ordinances. Such ordinances when adopted shall be printed and conspicuously posted in at least ten places upon the cemetery grounds.

Annual report of commissioners.

10. On or before the first day of January in each year, such board of cemetery commissioners shall file with the village clerk a report containing a statement of the following facts:

(a) The amount of money on hand at the beginning of the preceding year, and the receipts from all sources during the year.

(b) An itemized statement of the amount paid out during such year and the balance on hand.

(c) The outstanding indebtedness of the department, and all sums due the department from all sources.

(d) The estimated deficiency in the amount necessary to pay the expenses of the department during the next year.

(e) The improvements made during such preceding year and the general condition of the cemetery.

(f) The number of interments made since the last annual report.

(g) Such other facts as the board deems important for the information of the village, together with such recommendations concerning the cemetery department as may be deemed proper.

Regulation and record of burials.

11. Such board of cemetery commissioners may adopt such reasonable rules and regulations relative to burials in such cemetery as it may deem proper, and shall cause an accurate record to be kept of every interment in such cemetery, specifying the lot in which such interment is made, the time when made, the name, age and place of birth and date and cause of death of the person interred, if these particulars can be reasonably ascertained.

Keeper.

Labor and supplies.

12. Said board of cemetery commissioners shall have full power and authority to appoint and remove a keeper of such cemetery; employ necessary labor and purchase necessary supplies for the proper care, maintenance and embellishment of said cemetery;

audit all bills contracted by them and draw orders on the village treasurer, to be paid from the cemetery funds in his hands, for the payment of bills so audited and for the payment of salaries of commissioners, the keeper of such cemetery, and laborers employed by said commissioners, and for any other obligation incurred for cemetery purposes.

Salaries of commissioners.

13. Each of such commissioners shall receive a salary to be fixed as provided by the general village law.[1]

Inconsistent acts repealed.

14. All former or existing acts or parts of acts repugnant to or inconsistent with the provisions of this act, or the act to which this act is an amendment, are hereby repealed so far as the same relate to said cemetery, its supervision or control.

§ 2. This act shall take effect immediately.

Chap. 343.

AN ACT to amend chapter five hundred and seventy of the laws of nineteen hundred and nine, entitled "An act to establish the city court of Buffalo defining its powers and jurisdiction and providing for its officers," extending the jurisdiction of said court to actions for the recovery of taxes levied by the city of Buffalo.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 570, § 20, subd. 15 amended.

Section 1. Subdivision fifteen of section twenty of chapter five hundred and seventy of the laws of nineteen hundred and nine is hereby amended to read as follows:

Jurisdiction.

15. In an action for a fine or penalty not exceeding one thousand dollars, including the action to recover a penalty given by the charter of the city of Buffalo or any by-law or ordinance thereof or any statute of the state, [2]and in an action brought to recover the amount of any tax levied by the city of Buffalo, not exceeding in amount the sum of one thousand dollars.

§ 2. This act shall take effect immediately.

[1] L. 1909, ch. 64, § 86, as amended by L. 1911, ch. 66.

[2] Remainder of subdivision new.

Chap. 344.

AN ACT making an appropriation to supply a deficiency in the appropriation heretofore made for the legislative bill drafting department.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of fifteen hundred dollars ($1,500) is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the legislative bill drafting department, payable by the treasurer on the warrant of the comptroller on the order of the temporary president of the senate and the speaker of the assembly, in the manner and for the purposes specified in section twenty-four of the legislative law.

§ 2. This act shall take effect immediately.

Chap. 345.

AN ACT to amend the Tonawanda city charter, generally, and to repeal section five of title two of such chapter.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of title two of chapter three hundred and fifty-seven of the laws of nineteen hundred and five, entitled "An act to revise the several acts relative to the city of Tonawanda," is hereby repealed. L. 1905 ch. 357, tit. 2, § 5 repealed.

§ 2. Title two of such chapter is hereby amended by adding thereto, after section seven thereof, a new section, to be section seven-a, to read as follows: § 7a added to tit. 2.

§ 7-a. **City sealer of weights and measures.** There shall be appointed by the mayor with the approval of the common council

under this act a city sealer of weights and measures, who shall receive for his services a salary to be fixed by the common council. He shall be appointed during the month of January and shall hold office for a term of two years from and including the first day of January of the year in which he is appointed.

Tit. 8, § 12, as amended by L. 1906, ch. 410, amended.

§ 3. Section twelve of title eight of such chapter, as amended by chapter four hundred and ten of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 12. **Searches for unpaid taxes.** It shall be the duty of the city treasurer of said city, upon the request of any person therefor, to make careful search of the books and records in his office for any unpaid taxes or tax sales, upon or against any piece or parcel of land in said city, making a proper abstract thereof showing the year in which each item of unpaid taxes was levied or sale made; the amount of said item or sum for which the land was sold; the purchaser thereof, and the amount required at the date of the certificate to redeem the land from such tax or tax sale in cases where the time for redemption has not expired. He shall certify said abstract as such city treasurer, and shall receive therefor the following fees: For each certificate of search of one or more parcels of land contained in the same block ten cents for each year covered by the search, to be paid by the party requesting such search. [1]The maximum fee, however, to be charged for one such search shall not exceed the sum of fifty cents. From and after January first, nineteen hundred and eight, the fees so collected shall belong to the city.

Tit. 17, § 1, subd. 4, as amended by L. 1907, ch. 540, amended.

§ 4. Subdivision four of section one of title seventeen of such chapter, as amended by chapter five hundred and forty of the laws of nineteen hundred and seven, is hereby amended to read as follows:

Appropriation for police.

4. For the uses and purposes of the police commission, a sum not exceeding nine thousand dollars.[2]

Tit. 17, § 1, subd. 7 amended.

§ 5. Subdivision seven of section one of title seventeen of such chapter is hereby amended to read as follows:

Appropriations for salaries.

7. For the salary of the city treasurer, fifteen hundred dollars; for the salary of the city judge, one thousand dollars; for the salary of the city clerk, one thousand dollars; for the salary of each assessor, four hundred dollars; for the salary of the superintendent of public works, nine hundred dollars; for the salary of the

[1] Following sentence new.
[2] Formerly $7200.

commissioner of public charities, five hundred dollars; for the salary of the city attorney, one thousand dollars; for the salary of the health officer and city physician, five hundred dollars; [3]for the salary of the city sealer of weights and measures, such sum as shall be necessary to pay the same.

§ 6. This act shall take effect immediately.

Chap. 346.

AN ACT to ratify, confirm and legalize the proceedings of the village of East Aurora, in the county of Erie, state of New York, for the construction of sewage disposal works, sewer system and lateral sewers for said village, and for the issuance and sale of bonds of the said village to pay for the cost of constructing the said disposal works, sewer system and lateral sewers, and to provide for the payment of the said bonds.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to establishment of sewer system and bond issue therefor, legalized.

Section 1. All acts and proceedings had and taken by the village of East Aurora in the county of Erie, and by the board of village trustees of said village for the establishment and construction of sewage disposal works, sewer system and lateral sewers in said village, for the submission of propositions to construct the same and to issue and sell bonds of the said village for the purpose of borrowing money to pay the cost of constructing the said sewage disposal works and sewer system and the cost of constructing six-inch lateral sewers from the Y-branches in the street sewer to the curb line in front of each building or house now erected in said village and to raise annually by tax upon the taxable property of said village according to law, a sum or sums sufficient to pay the interest and principal of said bonds, which propositions were submitted to and approved by the voters of said village at the annual election held therein on the twenty-first day of March, nineteen hundred and eleven, are hereby ratified, confirmed and legalized notwithstanding any defect or irregularity or the omission of

[3] Remainder of section new.

any lawful requirement or authority in any such acts or proceedings and said acts and proceedings are made of the same force and effect as if they had been fully authorized by statute, and as if the statutes and laws applicable thereto had been fully and strictly complied with, and bonds of the said village to an amount not exceeding one hundred and twelve thousand dollars for the purpose of constructing the disposal works and the portion of its sewer system proposed to be constructed in the said proposition submitted to the voters of the said village and to an amount not exceeding seven thousand dollars for the purpose of constructing the said six-inch lateral sewers, when executed and attested and sold on sealed proposals or at public auction at not less than par to the person who will take them at the lowest rate of interest, in the manner prescribed by section one hundred and twenty-nine of the village law of the state of New York, shall be valid and binding obligations of the said village and incontestable negotiable instruments under the law merchant in the hands of any person acquiring the same for value before maturity thereof, and the said village is hereby authorized to expend and apply the proceeds of the said bonds in the construction of the said disposal works and sewer system and in the construction of the said lateral sewers respectively.

Bonds validated.

Expenditure of proceeds authorized.

§ 2. The proper officers shall raise annually by tax upon all the taxable property in the said village, in the manner provided by law, such sums as may be necessary to pay the interest and principal of said bonds as the same shall respectively become due.

Tax for payment.

§ 3. This act shall not affect any action or proceeding pending in any court at the time that the same takes effect.

Pending actions.

§ 4. This act shall take effect immediately.

Chap. 347.

AN ACT to provide for the reappropriation of funds appropriated by chapter one hundred and eighty-eight of the laws of nineteen hundred and nine for the acquisition and equipment of a field rifle range at Blauvelt, New York.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of seventy thousand seven hundred and ten dollars and ninety-two cents ($70,710.92), being the unexpended balance of the sum of two hundred and seventy-five thousand dollars appropriated by chapter one hundred and eighty-eight of the laws of nineteen hundred and nine, providing for the acquisition and equipment of a field rifle range at Blauvelt, New York, is hereby reappropriated for the same purposes, and the comptroller is directed to pay the same for the aforesaid purposes out of any money in the treasury not otherwise appropriated on the written requisition of the armory commission.

§ 2. This act shall take effect immediately.

Chap. 348.

AN ACT making an appropriation for highway improvement in expediting the building of a portion of state route four.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of five hundred thousand dollars ($500,000), to be available immediately, is hereby appropriated payable out of the money realized from the funds issued in accordance with the provisions of chapter four hundred and sixty-nine of the laws of nineteen hundred and six, as amended by chapter seven hundred and eighteen of the laws of nineteen hundred and seven. The money hereby appropriated shall be expended according to

the provisions of article six of the highway law for the construction of that part of state route four, as defined by section one hundred and twenty of the highway law, which extends from the city of Hornell in the county of Steuben to the city of Olean in the county of Cattaraugus. No county in which roads are improved under this chapter shall participate in the future annual appropriations of funds for the improvement of state roads until such time as the counties not participating in the funds provided by this chapter shall have received such amount of improvement as will equalize the mileage.

§ 2. This act shall take effect immediately.

Chap. 349.

AN ACT relating to the salaries of the members of the board of school examiners of the city of Buffalo.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Ordinance for salaries authorized.

Section. 1. The common council of the city of Buffalo is hereby authorized to enact an ordinance fixing the salaries of or the compensation to be paid to the members of the board of school examiners of said city, and any ordinance so enacted, unless otherwise provided therein, shall take effect immediately upon its passage and publication.

Other acts not to apply.

§ 2. All acts or parts of acts, and especially any provisions of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the acts amendatory thereof and supplemental thereto, which are contrary to this act, shall not be deemed to apply to the powers hereby authorized to be exercised.

Proceedings heretofore taken, legalized.

§ 3. All acts and proceedings of the common council and of officers and employees of said city paying salaries to the members of said board of school examiners, heretofore had or taken, are hereby ratified and legalized.

§ 4. This act shall take effect immediately.

Chap. 350.

AN ACT giving the consent of the state of New York to the improvement, use and occupation of Bird Island pier and the lands and lands under water adjacent thereto, in the city of Buffalo, for the purposes of a public park and landing facilities subject to the permission and control of the United States.

Became a law June 15, 1911, with the approval of the Governor. Passed by a two-thirds vote.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The consent of the State of New York is hereby given to the city of Buffalo to use, improve and occupy, for the purposes of a public park and landing facilities, that part of the structure in said city known as Bird Island pier, on Niagara river, lying north of Albany street extended, and forming a part of the Black Rock harbor improvement, and the lands and lands under water adjacent to said Bird Island pier on both sides thereof to the established harbor lines; provided, however, that prior to such use, improvement or occupation, said city of Buffalo shall by due proceeding procure the permission of the United States therefor, and that the enjoyment of the privileges granted by this act shall endure for such length of time and be subject to such conditions, restrictions and regulations as shall be prescribed for said city by the United States.

§ 2. This act shall take effect immediately.

Chap. 351.

AN ACT authorizing the board of trustees of The Clifton Springs Sanitarium Company to issue bonds, and mortgage the trust property, to raise money to pay the cost of retiring bonds now outstanding and secured by mortgage upon property of the company, of repairing, extending, enlarging and improving the sanitarium building and property.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the Clifton Springs Sanitarium Company, a corporation created under and by virtue of the laws of the state of New York, is hereby authorized to execute and issue the bonds of said corporation to an amount not exceeding in the aggregate the sum of one hundred and forty thousand dollars, bearing a rate of interest not to exceed five per centum per annum, and not to be issued at less than par, payable at such time or times and upon such terms and conditions as may be determined and prescribed by said board of trustees, for the purpose of borrowing money thereon, to be applied to the payment of the cost of retiring bonds now outstanding and secured by mortgage upon the property of the said corporation, of repairing, extending, enlarging and improving the sanitarium building and property at Clifton Springs, in the county of Ontario; and, to secure the payment of the said bonds according to their terms, the said board is also authorized to execute, and cause to be recorded in the office of the clerk of said county, a mortgage upon all, or a part, of the property of said corporation. But no mortgage nor bonds shall be issued without the written consent of Mary E. Foster, individually, and as executrix of the will of Henry Foster, deceased, who were the creators of the trust vested in the said board of trustees, appended to, or indorsed upon, said mortgage and recorded therewith.

§ 2. This act shall take effect immediately.

Chap. 352.

AN ACT to amend chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," in relation to the tax imposed on transfers of stock.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and seventy of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," as amended[1] by chapter thirty-eight of the laws of nineteen hundred and ten, is hereby amended to read as follows:[2] L. 1909, ch. 62, § 270, as amended by L. 1910, ch. 38, amended.

§ 270. **Amount of tax.** There is hereby imposed and there shall immediately accrue and be collected a tax, as herein provided, on all sales, or agreements to sell, or memoranda of sales of stock, and upon any and all deliveries or transfers of shares or certificates of stock, in any domestic or foreign association, company or corporation, made after the first day of June, nineteen hundred and five, whether made upon or shown by the books of the association, company or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of sale or transfer, whether intermediate or final, and whether investing the holder with the beneficial interest in or legal title to said stock or merely with the possession or use thereof for any purpose, or to secure the future payment of money, or the future transfer of any stock, on each hundred dollars of face value or fraction thereof, two cents. It is not intended by this act to impose a tax upon an agreement evidencing the deposit of stock certificates as collateral security for money loaned thereon, which stock certificates are not actually sold, nor upon such stock certificates so deposited; nor upon mere loans of stock or the return thereof. The payment of such tax shall be denoted by an adhesive stamp or stamps affixed as follows: In the case of sale, or transfer, where the evidence of the transaction is shown only by the books

[1] L. 1910, ch. 38 re-enacted § 315 of the general tax law (L. 1896, ch. 908), as added by L. 1905, ch. 241 and amended by L. 1906, ch. 414. See note, session laws 1910, ch. 38, pp. 64, 65.

[2] The changes made in the sections amended by this act are so numerous that it is impracticable to indicate the amendments.

of the association, company or corporation, the stamp shall be placed upon such books; and where the transaction is effected by the delivery or transfer of a certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell, or where the sale is effected by delivery of the certificate assigned in blank, there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale to which the stamp provided for by this article shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers, and no further tax is hereby imposed upon the delivery of the certificate of stock, or upon the actual issue of a new certificate when the original certificate of stock is accompanied by the duly stamped memorandum of sale.

§ 272 amended.

§ 2. Section two hundred and seventy-two of such chapter is hereby amended to read as follows:

§ 272. **Penalty for failure to pay tax.** Any person or persons liable to pay the tax by this article imposed, or any one who acts in the matter as agent or broker for such person or persons, who shall make any sale, transfer or delivery without paying the tax by this article imposed, or any person who shall in pursuance of any sale, transfer, or agreement, deliver any stock, or evidence of the sale *of transfer of or agreement to sell any stock or bill or memorandum thereof, or who shall transfer or cause the same to be transferred upon the books or records of the association, company or corporation without having the stamps provided for in this article affixed thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned for not more than six months, or both such fine and imprisonment, in the discretion of the court.

§ 273 amended.

§ 3. Section two hundred and seventy-three of such chapter is hereby amended to read as follows:

§ 273. **Canceling stamps; penalty for failure.** In every case where an adhesive stamp shall be used to denote the payment of the tax provided by this article, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, and shall cut or perforate the stamp in a substantial manner, so that such stamp cannot be again used; and if any person

* So in original.

makes use of an adhesive stamp to denote the payment of the tax imposed by this article, without so effectually canceling the same, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than two hundred nor more than five hundred dollars or be imprisoned for not less than six months, or both, in the discretion of the court.

§ 4. Section two hundred and seventy-six of such chapter, as amended by chapter four hundred and fifty-three of the laws of nineteen hundred and ten, is hereby amended to read as follows: § 276, as amended by L. 1910, ch. 453, amended.

§ 276. **Power of state comptroller.** Every person or firm, a part of whose regular or ordinary business is the making of sales, agreements to sell, deliveries, or transfers, of shares or certificates of stock, or conducting or transacting a brokerage business, and every company, association or corporation making a sale, agreement to sell, delivery or transfer of shares or certificates of stock, or conducting or transacting a brokerage business, shall keep or cause to be kept a just and true book of account, wherein shall be plainly and legibly recorded the date of making every sale, agreement to sell, delivery, or transfer, of shares or certificates of stock, and every transaction in relation to any stock, the number of shares, the total amount covered by each such sale, agreement to sell, delivery, transfer or transaction, and the name of the other party thereto; and such book shall at all times be subject to the inspection of the comptroller, or any of his representatives, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, except on Saturdays, Sundays and legal holidays. The state comptroller may, at any time after sales or transfers of stock which by the provisions of this article are subject to a tax, inquire into and ascertain whether the tax thereby imposed has been paid. For the purpose of ascertaining such fact the comptroller shall have the right and it shall be his duty to examine such book of account of any person, firm, company, association or corporation required to keep the same, and the bills or memoranda of sale or transfer of shares or certificates of stock; and such bills or memoranda of sale or transfer shall remain accessible for such examination for six months from their respective dates. Every association, company or corporation shall keep or cause to be kept a transfer ledger, register or stock certificate book, containing a complete and true entry and record of all sales or transfers of shares or certificates of its stock made upon its books. It shall also retain and keep all surrendered or canceled shares or certificates of its stock and all memoranda relating to the sale or trans-

fer of any thereof; and all such transfer ledgers, registers or stock certificate books and surrendered or canceled shares or certificates of stock and memoranda relating to the sale or transfer of its stock, shall at all times between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, except Saturdays, Sundays and legal holidays, be open to examination by the comptroller. The state comptroller may enforce his right to examine such books of account and bills or memoranda of sale or transfer and such transfer ledger, register and stock certificate books and surrendered or canceled shares or certificates of stock by mandamus. If the comptroller ascertains that the tax provided for in this article has not been paid, he shall bring an action in his name as such comptroller, in any court of competent jurisdiction, for the recovery of such tax and for any penalty incurred by any person under the provisions of this article. Every person, firm, company, association or corporation who shall fail to keep such book of account, or bills or memoranda of sale or transfer, or transfer ledger, register or stock certificate book or surrendered or canceled shares or certificates of stock as herein required, or who shall refuse to permit the comptroller or any of his representatives to examine any of said books, records or papers, at any time, as above provided, or who shall in any other respect violate any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall for each and every such offense pay a fine of not less than five hundred dollars nor more than five thousand dollars, or be imprisoned not less than three months nor more than two years, or both, in the discretion of the court.

§ 5. This act shall take effect immediately.

Chap. 353.

AN ACT to amend the charter of the city of Cortland, in relation to the medical and dental examination of children in the public schools of said city.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 177, added to L. 1909, ch. 100.

Section 1. Title ten of chapter one hundred and sixty of the laws of nineteen hundred, entitled "An act to incorporate the city

of Cortland," as amended by chapter four hundred of the laws of nineteen hundred and four, is hereby amended by adding to the end thereof, a new section to be known as section one hundred and seventy-seven, and to read as follows:

Medical and dental examination of school children, authorized.

Section 177. 1. The board of education of the city of Cortland is hereby authorized and empowered to provide for the medical and dental examination of children in the public schools of said city, by employing competent physicians and dentists therefor. The said board may, upon the approval of the local board of the state normal school in said city and under the direction and supervision of the principal of such school, also provide for similar examination of the children in attendance upon said state normal school.

Expense, how paid.

2. The expense incurred thereby shall be a charge against the city. The board of education shall certify to the treasurer of the city the amounts expended for such purpose, which shall not exceed two hundred dollars in any one year. The city treasurer shall, upon the receipt of such certificate, pay the said amounts so certified out of any funds available therefor, but the amount thus expended shall not be deducted or paid out of or from any of the appropriations authorized by said city for the support of its schools. The common council of said city shall make necessary appropriations to meet this expenditure.

§ 2. This act shall take effect immediately.

Chap. 354.

AN ACT to authorize the villages of Piermont and Grand View-on-Hudson to establish a water distributing system to supply water to said villages, to authorize said villages to obtain water to be supplied through said system by purchase from the village of Nyack or otherwise, and to authorize the issuance of bonds therefor by each of said villages of Piermont and Grand View-on-Hudson.

Became a law June 15, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Plans, specifications and

Section 1. The board of water commissioners of the village of Piermont and the board of trustees of the village of Grand View-

Estimate of cost may be prepared.

on-Hudson may jointly employ engineers and cause to be prepared plans, specifications and an estimate of the cost of a joint water distributing system for said villages, with all necessary appurtenances, including pumping stations, to connect with the water mains of the village of Nyack or with any available source of supply to be acquired or constructed, and may enter into an agreement between said villages of Piermont and Grand View-on-Hudson to establish such distributing system, which agreement shall state said estimated cost and also the proportionate share of such cost to be borne by each village. Said boards may enter into an agreement with the village of Nyack, acting through its board of water commissioners, for the purchase from the village of Nyack of water to be supplied to the villages of Piermont and Grand View-on-Hudson through such distributing system, and said agreement may provide for the apportionment of the purchase price of said water between the villages of Piermont and Grand View-on-Hudson. Said agreements may provide that each of the villages of Piermont and Grand View-on-Hudson shall own and operate that portion of the system within its borders and that the portion of the distributing system not within the borders of either of said villages of Piermont and Grand View-on-Hudson shall be owned and operated by the village of Nyack. The expense of the construction by the villages of Piermont and Grand View-on-Hudson of said portion of the distributing system to be owned and operated by the village of Nyack may be applied as part of the compensation for the water to be purchased from the village of Nyack and of the consideration for the execution of said agreement by the village of Nyack. Said agreement with the village of Nyack may be renewed or extended from time to time upon such terms as the three villages may agree upon, and may contain provisions for such renewal or extension. Duplicate originals of both agreements shall be filed in the office of the clerk of the village of Piermont and also in the office of the clerk of the village of Grand View-on-Hudson, together with the plans and specifications and the estimate of the cost of said distributing system. Said agreements shall not become binding or effective until the adoption of a proposition by the voters of both of said villages of Piermont and Grand View-on-Hudson, as hereinafter provided.

Agreements between villages.

When agreements effective.

Referendum vote on establishment of water distributing system.

§ 2. The boards of trustees of the villages of Piermont and Grand View-on-Hudson may severally submit to the voters of their respective villages at the annual village election, or at a special election to be held at any time within one year from the time

this act shall take effect, as said boards may severally determine, a proposition for the establishment of such water distributing system and the purchase of water from the village of Nyack as provided in the plans and specifications and agreements hereinbefore authorized and filed in the office of the clerk of each of said villages of Piermont and Grand View-on-Hudson. Such proposition shall state the estimated cost of the distributing system, and also the proportionate share to be borne by each of said villages. Such election shall be held and conducted and the result ascertained in the same manner, and by the same officers, as provided by the village law[1] in the case of propositions submitted thereunder, except that such special election may be held in any month and the provisions of section fifty-six of the village law prohibiting the holding of special elections in certain months shall not apply.

Election, how conducted.

§ 3. If such proposition shall be adopted by a majority of the voters of each of said villages voting at elections as hereinbefore provided, such agreements shall become binding and effective, and the board of trustees of each of said villages of Piermont and Grand View-on-Hudson may thereupon issue bonds of each of said villages respectively in the principal amount of the share of the estimated cost of such distributing system to be borne by such village. Said bonds shall mature, be advertised and sold as provided in the village law.[2] The proceeds of the sale of such bonds shall be used to meet the cost of such distributing system.

Bond issue.

§ 4. On the adoption of said proposition, the board of water commissioners of the village of Piermont and the board of trustees of the village of Grand View-on-Hudson are authorized to establish said water distributing system, and jointly to make such contracts for materials and labor, and employ such engineers and other persons as may be necessary therefor. Each of said boards shall have supervision and charge of the construction and operation of the portion of such water distributing system within the bounds of its village, but if there shall hereafter be created in the village of Grand View-on-Hudson a board of water commissioners, said board shall have supervision and charge of the construction and operation of the portion of said system within the bounds of the village of Grand View-on-Hudson. Said boards shall jointly have supervision and charge of the construction and operation of that portion of said distributing system which is not

Construction.

Supervision of construction and operation.

[1] L. 1909, ch. 64. See § 56, as amended by L. 1910, ch. 4, and § 57.
[2] See § 129.

within either of said villages, but such portion of the system as may be within the villages of South Nyack or Nyack may, if so provided in the agreement between said villages of Piermont and Grand View-on-Hudson and the village of Nyack, when completed become the property of the village of Nyack, and be maintained and operated by the village of Nyack, acting through its board of water commissioners. The board of water commissioners of the village of Piermont, the board of trustees, or water commissioners, as the case may be, of the village of Grand View-on-Hudson, and the board of water commissioners of the village of Nyack shall each have the same powers and duties in regard to that portion of said distributing system of which it has charge and supervision as are provided by the village law[3] in relation to water supply systems established thereunder. No one of said villages shall so operate and manage that portion of said distributing system of which it has control as to interfere with the supply of water of either of the other villages. The board of water commissioners of the village of Piermont, and the board of trustees, or the board of water commissioners as the case may be, of the village of Grand View-on-Hudson may enter into a contract or contracts on behalf of their respective villages, providing for the compensation to be paid by the village of Piermont to the village of Grand View-on-Hudson for maintaining that portion of the system in the village of Grand View-on-Hudson which will serve the village of Piermont.

Compensation to Grand View-on-Hudson for maintenance of portion serving Piermont.

§ 5. Should the board of water commissioners of the village of Piermont and the board of trustees of the village of Grand View-on-Hudson fail to make an agreement satisfactory to them with the village of Nyack for the purchase of water as provided in section one of this act, they may prepare plans and specifications and estimates of cost for the obtaining of water from any other available source, which shall be filed as provided in section one hereof, and in such case the agreement between said villages of Piermont and Grand View-on-Hudson to be entered into and submitted to the voters of said villages as hereinbefore provided shall provide not only for the establishment of a water distributing system, but also for the acquisition or construction of such source of supply, and the proportionate share of the cost thereof to be borne by each of said villages. Propositions for the establishment of such water distributing system and the acquisition or con-

Action for obtaining water from other sources in event of failure of agreement with Nyack.

[3]See art. 9.

struction of such source of supply may be submitted to the voters of the villages of Piermont and Grand View-on-Hudson, respectively, in the same manner as provided in section two of this act, and if said propositions are adopted said agreement shall become binding and bonds may be issued by each of said villages for its respective share of the estimated cost and the distributing system may be established and operated in the same manner as hereinbefore provided and the source of supply may be constructed or acquired as provided in the agreement. The ownership of such other source of water supply and of any portion of the water distributing system which may not be included within the bounds of either the village of Piermont or the village of Grand View-on-Hudson shall be determined by said agreement.

Tax to pay deficiencies.

§ 6. The board of trustees of each of the villages of Piermont and Grand View-on-Hudson, respectively, shall annually levy taxes in such amounts as shall be sufficient together with the receipts from the water rents to pay such share of the cost of maintenance and operation of the water system hereby authorized as may be imposed upon it by the agreement between said villages and also to meet the principal of and interest on the bonds of said village, issued as above provided, as the same may become due. If the proceeds of the sale of the said bonds shall be insufficient to pay for the cost of constructing said distributing system and acquiring or constructing such source of supply, the boards of trustees of said villages are authorized to raise their respective shares of said deficiency by tax.

§ 7. This act shall take effect immediately.

Chap. 355.

AN ACT authorizing the board of trustees of public buildings to contract for the acquisition of a site and for the construction and equipment of a power house, coal pockets and conduits for furnishing heat, light and power to the state capitol and education building.

Became a law June 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of public buildings are hereby authorized to enter into contracts for an amount not to exceed in the ag-

gregate the sum of two hundred and fifty thousand dollars ($250,000) in addition to the sum of five hundred thousand dollars ($500,000) authorized by chapter thirteen of the laws of nineteen hundred and ten, for the acquisition of a site and for construction and equipment of a power house, coal pockets and conduits for furnishing heat, light and power to the state capitol and education building, and for such other expenses incidental thereto as may be necessary.

§ 2. This act shall take effect immediately.

Chap. 356.

AN ACT to amend the highway law, in relation to the establishment of a new route in the state highway system running from Watkins to Ovid.

Became a law June 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Subd. 45 added to L. 190., ch. 30, § 120.

Section 1. Section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended by adding thereto a new subdivision or route, to be known as route forty-five, described and to read as follows:

Route 45. Commencing at a point on route twelve in the village of Watkins and running thence easterly and thence northerly on the east shore of Seneca lake through the hamlets of Hector and North Hector to a point on the dividing line of Schuyler and Seneca counties, thence northeasterly through the hamlet of Caywood to the village of Lodi and thence northerly to the village of Ovid, connecting with route thirty-six.

§ 2. This act shall take effect immediately.

Chap. 357.

AN ACT to amend the charter of the city of Cortland, in relation to street and other public improvements, street sprinkling and sewers, in said city, and the issuance and sale of city bonds for purposes relating thereto.

Became a law June 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter one hundred and sixty of the laws of nineteen hundred, entitled "An act to incorporate the city of Cortland," is hereby amended by adding thereto, at the end of title five thereof, two new sections, to be sections eighty-seven and eighty-eight, to read, respectively, as follows:

§§ 87, 88 added to L. 1900, ch. 160.

§ 87. **Resurfacing, repairing and restoring paved, macadamized or slagged streets, or any part thereof, including curbs and gutters.** Whenever the board of public works of the city of Cortland shall, by unanimous vote of the members of said board, present at any meeting thereof, by any resolution decide that any paved street, or any part thereof, or any street built of macadam or slag, or any part thereof, including curbs and gutters ought to be resurfaced, repaired or restored, in whole or in part, or in any respect or manner, it may by resolution direct that such resurfacing, repairing and restoring be done with either asphalt, brick, slag, macadam, or any other material or materials, and in such manner and at such time as said board shall direct, and either with or without the making and filing of specifications therefor. The total cost and expense of such resurfacing, repairing and restoring, and the cost of all labor and material therefor, shall be borne by said city at large, and be paid for by said city in the manner hereinafter specified. The total estimated cost thereof, whether less than five thousand dollars, or more than said sum shall be made by said board of public works. And in case such total estimated expenditure therefor does not exceed five thousand dollars, the work may be done and material therefor furnished, without public letting. And if said estimate exceeds such sum of five thousand dollars, it may in all cases be done without public letting, if the common council, by resolution, consent thereto. The cost and expense of such work shall include the cost of all labor and material therefor, the sums

actually paid for services of a competent engineer, also interest on all sums of money which may be borrowed by said city, in doing and prosecuting such work, prior to the issue of bonds therefor, as hereinafter provided, and all other necessary expenses connected with said work or incident thereto, which said sums the chamberlain of said city is hereby authorized to borrow temporarily during the progress of such work from time to time, on the faith and credit of said city, pursuant to the resolution of the board of public works therefor, prior to the issue of bonds therefor, as hereinafter provided. After the determination by the board of public works of the total cost and expense of said work, including all labor and cost of all materials therefor, and all other items of expense connected therewith, or incidental thereto, said board of public works shall certify the amount thereof to the common council of said city, who shall thereupon issue bonds of said city therefor, and pledge the faith and credit of said city thereby; which bonds shall bear interest at the rate of not to exceed four per centum per annum, and shall be for such amounts and upon such terms as may be determined by said common council and shall become due and payable within twenty years from the date thereof and be sold by the chamberlain of said city under the direction of its common council, at public or private sale as it may deem best. Provided, however, that the board of public works may, in its discretion, pay the whole or any portion of the expense of such work and expenditure out of the public works fund, as it may direct, before certifying the same to the common council of said city, or before so certifying the balance thereof for bond issue, if any portion thereof be first so paid. It shall be the duty of every street surface railroad corporation whose tracks are located in any such street to repair, resurface and restore the street between its tracks, the rails of its tracks and two feet in width outside of its tracks, wholly at its expense, to change the grade thereof, and to do any and all other things required by statute or by the terms of its franchise, concurrently with such other work and improvement, at the time and in the manner directed by the board of public works of said city.

§ 88. **Street sprinkling.** The board of public works shall have the power to cause any street in said city, or any portion thereof, to be sprinkled in such manner and at such times and seasons of the year as may be deemed advisable by the board, and assess the expense thereof to the owners or occupants of the property assessed upon each side of the street or portion thereof as shall have been benefited thereby, according to the number of feet frontage or in

such other manner as may be equitable. Such apportionment shall be made by the board of public works and certified by it to the common council and reviewed by said common council after the publication of one insertion in the official newspapers of the city of an official notice of a time and place, when and where said common council will hold such review, which shall be not less than five days after the publication of such notice. The common council shall thereupon assess the same. All such assessments shall constitute a lien upon the lands and premises thus benefited and be levied and collected in the manner provided for the collection of taxes.

§ 2. Section seventy-six of such chapter, as amended by chapter two hundred and sixty-two of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 76, as amended by L. 1905, ch. 262, amended.

§ 76. **Sewer extension and issuing bonds therefor; rights for construction and maintenance of sewers.** The board of public works of the city of Cortland, by resolution or resolutions duly adopted by that board, may at any time or times, provided the common council of said city by resolution of said common council concur therein, decide that the public sewers of said city shall be built and extended in and along any street or streets of said city to be therein specified pursuant to and in accordance with the sewer plans of said city, duly adopted, and approved by the state board of health, and on file in the city clerk's office of said city. And thereupon said board of public works may build and construct the same by contract therefor duly advertised and let to the lowest bidder in all things as provided in section thirty-three of the charter of said city, and thereupon upon the completion of such sewer, or extension thereof, it shall be the duty of the board of public works, to certify to the common council of said city the total cost and expense thereof, including all labor and materials therefor, cost of engineering, printing and all other necessary expenses connected therewith, or incidental thereto, including all interest on such sums of money as have been borrowed for such purpose, to the common council of said city, who shall thereupon issue bonds therefor and deliver the same to the chamberlain of said city for sale. Said bonds to bear interest at not less than four per centum per annum, interest payable semi-annually, and be and become due by their terms, not more than twenty years from their date of issue, and be sold at public or competitive sale to the person or persons offering the highest premium therefor, but at not less than par and accrued interest, and

when so issued each of said bonds shall contain a recital that they are issued in accordance with this act, and such recital shall be conclusive evidence in any court of the validity thereof, and of the regularity of their issue. The total issue of such additional bonds for the extension of the public sewers of said city, as herein in this section provided, shall not exceed the sum of fifty thousand dollars.[1] Any premium received on a sale or sales thereof, and also any premium received on the refunding of any and all sewer bonds of said city, being bonds of said city issued for sewer construction, shall be placed to the credit of the board of public works of said city of Cortland, to be used by said board in building extensions to said sewer system of said city, or in paying and retiring any outstanding sewer bonds of said city. The board of public works of said city, for the purposes herein specified, may at any time after said board has determined to make such sewer extension or extensions, by resolution direct and authorize the chamberlain of said city to borrow such sums of money therefor as said board shall determine necessary, prior to the issuing of bonds therefor by the common council as above provided, and thereupon the chamberlain of said city shall borrow the same, and said city shall be obligated therefor, and shall repay the same with interest thereon, out of the avails of the sale of said bonds therefor as above provided. The board of public works shall have power to acquire for and in the name of the city, by agreement or appraisal, in such manner as heretofore provided, and also in such manner as is authorized by the condemnation law of this state, code of civil procedure, title one, chapter twenty-three, sections thirty-three hundred and fifty-seven to thirty-three hundred and eighty-four, any lands, easements, privileges, rights and estate necessary for the construction and maintenance of sewers, and may also enter upon any lands or waters for the purpose of making necessary surveys, provided that, in all cases involving an expenditure of money, it shall have first submitted to the common council its estimate of the cost of such real estate and that the common council shall have approved the same and authorized the expenditures proposed, or that the same shall have been approved by the taxpayers at a special election. And on acquiring the same either by agreement or appraisal, or by condemnation proceedings, as hereinbefore provided, the said city of Cortland shall be liable to pay therefor said agreed price, or appraisal value thereof.

§ 3. This act shall take effect immediately.

[1] Formerly $25,000.

Chap. 358.

AN ACT in relation to the powers, duties and jurisdiction of the grade crossing commissioners of the city of Buffalo, amending and repealing certain sections of several acts relating thereto, and ratifying and confirming certain acts of such commissioners.[1]

Became a law June 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by chapter three hundred and fifty-three of the laws of eighteen hundred and ninety-two, and chapter one hundred and forty-four of the laws of nineteen hundred and six, is hereby amended so as to read as follows:

L. 1888, ch. 345, § 1, as amended by L. 1892, ch. 353 and L. 1906, ch. 144, amended.

§ 1. Edward H. Butler, Henry D. Kirkover, Augustus F. Scheu, William P. Northrup, Andrew Langdon, Henry Schaefer, John J. McWilliams, Maurice B. Patch, H. Montgomery Gerrans and William H. Fitzpatrick, of the county of Erie, are hereby appointed commissioners, any six of whom are authorized to enter into contracts from time to time on behalf of the city of Buffalo with any railroad, terminal, bridge or other transportation corporation owning or operating a steam or other railroad wholly or in part in said city for the relief of said city from the obstruction of the streets of the city of Buffalo by railroads crossing the same at grade and crossing Bailey avenue, Dingens street, Clinton street and William street overhead upon plans heretofore adopted or to be hereafter adopted by said commissioners as hereinafter provided. All agreements so made shall be binding upon the city.

Commissioners.

Authority to enter into contracts.

§ 2. Section two of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by section two of chapter three hundred and fifty-three of the laws of eighteen hundred and ninety-two, and by section one of chapter thirty-six

§ 2, as added by L. 1901, ch. 36 and amended by L. 1903, ch. 552, amended.

[1] The changes made by this chapter are so numerous and extensive that it is impracticable to indicate the nature and scope of the amendments.

of the laws of nineteen hundred and one, which act in terms adds[2] section two to such chapter, as amended by chapter five hundred and fifty-two of the laws of nineteen hundred and three, is hereby amended so as to read as follows:

Grade crossings may be eliminated certain crossings excepted.

§ 2. The commissioners are hereby authorized to contract on behalf of the city of Buffalo with any railroad, terminal, bridge or other transportation corporation interested to eliminate all crossings at grade of the streets within the city by railroad companies excepting the crossings within the territory bounded as follows: Commencing at the junction of Porter avenue and Niagara river; thence along Porter avenue to Niagara street; thence along Niagara street to Main street; thence along Main street to Seneca street; thence along Seneca street to the Indian reservation line; thence along the Indian reservation line and its extension to the east line of the Hamburg turnpike; thence along the east line of the Hamburg turnpike to the northerly line of Tifft street; thence along the northerly line of Tifft street to a point two hundred feet westerly of the right of way of the Lake Shore and Michigan Southern railroad; thence southerly parallel with the right of way of the said railroad to the south line of the city of Buffalo; thence along the south line of the city of Buffalo to Lake Erie; and thence along Lake Erie and the Niagara river to the place of beginning. Reserving from the crossings excepted within the aforesaid territory the crossings at grade of the Erie railroad at Louisiana street which the said commissioners are hereby authorized to eliminate. The commissioners are also authorized to contract for the change and alteration of all crossings by railroads overhead at William street, Dingens street, Clinton street and Bailey avenue; and said commissioners are authorized to close and discontinue streets at a grade crossing and also to divert the travel from one street to another street and also to open additional streets in connection with the elimination of a grade crossing. The contracts so made shall be binding upon the city. They may, by agreement with the contracting company, alter, modify or change any contract heretofore or hereafter made by them; they shall, before entering into any contract, cause the detailed plans of the work to be done by the contracting parties to be prepared by the chief engineer of the commission and the engineer representing the company or companies with whom said

Streets may be closed and new streets opened.

Contracts.

[2] This act added a new § 2 without repealing the original § 2. The provisions of the latter section, however, are incorporated, in substance, in the former.

contract is to be made may join with him in preparing such plans; and said detailed plans shall enter into and form a part of said contract.

§ 3. Section six of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by section three of chapter two hundred and fifty-five of the laws of eighteen hundred and ninety, and as amended by section three of chapter three hundred and fifty-three of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows: § 6, as amended by L. 1890, ch. 255, and L. 1892, ch. 353, amended.

§ 6. The commissioners shall take the oath of office required by the constitution and they shall have the following powers and duties: They shall adopt a general plan for the relief of the city from the present and prospective obstructions of the streets of the city by railroads crossing the same at grade, and by railroads crossing Bailey avenue, Dingens street, Clinton street and William street overhead and may from time to time adopt other and supplemental plans for the relief of said city from such obstructions of the streets of said city; and may from time to time alter, amend or modify the general plan and may from time to time alter, amend, modify or rescind any plan but said general plan or other plans adopted or to be adopted by said commission under which contracts have already been or shall hereafter be entered into shall not be extended, modified or changed without their consent. They may make contracts on behalf of the city with any railroad company or companies to carry out the purpose of this act, and may, by agreement with the contracting company alter, modify, or change any contract heretofore or hereafter made by them; they shall direct the chief engineer of the commission to cause surveys to be made and it shall become the duty of the chief engineer to cause said surveys to be made for the purpose of preparing the general and supplemental plans, and the commissioners shall view the different places in said city where the tracks of any railroad, terminal, bridge, or other transportation company crosses or propose to cross any street, alley or public ground, or the track or tracks of any other railroad at grade so far as they may deem necessary for their information. They may from time to time alter or modify any plan adopted by them, except as heretofore provided as to the general and supplemental plans under which contracts have been or shall hereafter be entered into. They shall enforce the execution of the plans adopted by them by the railroad companies affected by them and by the city, and shall have power from time to time, to determine at what time, and in what

Oath of office of commissioners: powers and duties.

Plans.

Contracts.

Surveys.

View of premises.

Modification of plans.

Execution of plans.

Employment of assistance.

order the different portions of the work shall be done. They shall have power to employ engineers, an attorney and stenographer, and to fix their compensation.

§ 8, as amended by L. 1890, ch. 255, amended.

§ 4. Section eight of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by section five of chapter two hundred and fifty-five of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Notice to railroad companies.

§ 8. Before adopting, altering or modifying any plan, the commissioners shall give notice of their proposed action to all railroad companies which are to bear any part of the expense of the work for which such plan is made, and shall give them an opportunity to be heard. The commissioners shall make known the plan or modification of the plan proposed to be adopted by them by filing such proposed plan or modification of a plan in the office of the bureau of engineering of the city of Buffalo with the deputy engineer commissioner, and publishing a notice thereof daily in at least two of the daily newspapers published in the city of Buffalo for at least ten days before the first hearing thereon, and shall hear the railroad company or companies interested, and the city and any party interested by their respective representatives or counsel in opposition thereto, or in respect to any proposed change therein. Any railroad company interested, and the city, or any interested party, may at such hearing call and examine witnesses as to the feasibility and expediency of such proposed plan, or of any alteration or modification thereof which may be suggested, or of any new plan that may be suggested. The commissioners shall hear the proofs and allegations of the parties, reduce the testimony taken by them to writing, and they, or a majority of them, shall make a report in writing, wherein they shall state the plan adopted by them; the height of each of the overhead crossings from the grade of the streets; the character, material and general dimensions of the structures; the changed grade of the street in case the grade is changed in any case; the streets or portions of streets which are to be closed, and discontinued, and the streets from which the travel is diverted to another highway or crossing and any new street to be opened in connection with the elimination of a grade crossing, and the character, material and general description of any structure by which a street or alley is to be carried over any railroad track, and such other information regarding the adopted plan as they shall deem necessary. The report shall be filed in the office

Filing of plan and notice thereof.

Hearing.

Report on adopted plan.

of the clerk of Erie county, together with the testimony taken before the commissioners, and such report shall thereupon become the plan for the part of the work provided for or referred to therein. The commissioners, after adopting any plan or any modification or alteration of a plan, shall give notice thereof to the railroad or railroad companies interested, and to the city, and shall designate the place where such plan or a copy thereof will be kept on file for inspection and examination. They shall by written notice to the company or companies interested, and the city designate the time when any designated portion of the work shall be commenced and a time when it shall be completed. The notice shall be served by delivering a copy thereof to the president, vice-president or director of the company, if it is a domestic corporation, and if it is a *foregn corporation by mailing the same to the president of the company at its principal office, with the postage prepaid thereon, and by delivering a copy of the notice to the mayor of the city.

Notice of adoption, etc.

Notice as to commencement and completion of work.

§ 5. Section nine of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by section six of chapter two hundred and fifty-five of the laws of eighteen hundred and ninety, as amended by section four of chapter three hundred and fifty-three of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

§ 9, as amended by L. 1890, ch. 255, and L. 1892, ch. 353, amended.

§ 9. The commissioners may agree with any railroad, terminal, bridge or other transportation corporation interested and any of them what portion of the work necessary to be done shall be done by any company or companies interested and what portion of the work shall be done by the city and what portion of the cost of the proposed improvement shall be paid by each. In case the commissioners and any company shall not agree upon the apportionment of the work or the cost of the proposed improvement between the city and any of the said companies, the commissioners by their chairman may apply to the supreme court at a special term thereof for the appointment of three commissioners to make such apportionment. Any of said companies may by notice in writing require the grade crossing commissioners to make such application. The application shall be made upon fourteen days' notice to the city and the said company or companies who are unable to agree. The court shall appoint three commissioners to make such apportionment. The commissioners shall take the oath

Agreement as to apportionment of work and expenses.

Proceedings in case of failure of agreement.

Commissioners appointed to make

* So in original.

apportionment: procedure.

required by the constitution; shall hear the proofs and allegations of the parties, reduce the testimony taken by them to writing, and they or a majority of them shall make a report in writing designating what portion of the work necessary to be done shall be done by the company or companies whose tracks render the work necessary, who shall not have agreed and what portion shall be done by the city, and the proportion of the cost of the proposed improvement to be paid by each. Such report and the testimony taken by the commissioners shall be filed in the office of the clerk of Erie county. Upon such report being filed, any party interested may move the supreme court for confirmation thereof, and it shall be confirmed. The grade crossing commissioners shall notify the said companies interested and the city of the apportionment of the work between them, and of the time when the designated portions of the work shall begin, and the time when it shall be completed.

Notice to railroad companies

L. 1892, ch. 353, § 5, as amended by L. 1895, ch. 1039, amended.

§ 6. Section five[3] of chapter three hundred and fifty-three of the laws of eighteen hundred and ninety-two, as amended by section one of chapter ten hundred and thirty-nine of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

Commissioners to take action, when.

§ 5. If, at the end of ninety days from the time this act takes effect, any railroad, terminal, bridge or other transportation corporation owning or operating a steam or other railroad, whose tracks cross any of the streets of said city as hereinbefore designated shall not have entered into a contract with the city for the purpose of performing a portion of the plans of the grade crossing commissioners, or shall not have notified the commissioners, to apply to the court for the appointment of commissioners, as provided for by section five of this act, then the said grade crossing commissioners shall proceed to secure the relief of the city of Buffalo from the crossing of the streets, alleys and public grounds in said city by such railroad or railroads as provided in this act and may designate the proportion of the cost of the work to be paid by such company to carry out said plans, and may compel the payment thereof in whole or by installments as they may require by writ of mandamus.

And designate proportion of cost to be paid by railroad.

L. 1888, ch. 345, § 10, as amended by L. 1890, ch. 255,

§ 7. Section ten of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by section seven of chapter two hundred and fifty-five of the laws of eighteen

[3] Section 5 of L. 1892, ch. 353 is not amendatory of L. 1888, ch. 345

hundred and ninety and as amended by section six of chapter three hundred and fifty-three of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows: and L. 1892, ch. 353, amended.

§ 10. Whenever the grade crossing commissioners shall notify any railroad, terminal, bridge or other transportation corporation to begin the work allotted to such company they shall begin and complete their respective portions of the work at and within the time named by the grade crossing commissioners and in case of failure to do so, the said commissioners may compel performance by action of mandamus. In case any of said companies shall neglect to begin or complete the work apportioned to it by the said commissioners, the said commissioners on behalf of the city may do or finish the work and recover the cost thereof from the company in default. The said commissioners may extend the time to commence and complete the work or any portion thereof at any time in their discretion, or either party may apply to the supreme court in Erie county, upon notice to the others, for and the court may make an order extending the time to commence or complete the work, or any portion thereof. Commissioners may compel performance of work. Extension of time.

§ 8. Section eleven of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by section eight of chapter two hundred and fifty-five of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows: § 11, as amended by L. 1890, ch. 255, amended.

§ 11. Estimates of the work to be done by the city shall be prepared by the chief engineer of the commission and he may advertise for proposals therefor, in such form and in such manner as shall be authorized by said commissioners; the proposals shall be reported to the common council, and it shall let the work to the lowest responsible bidder. The chief engineer of the commission shall appoint suitable persons to superintend the portion of the work to be done by the city, and shall fix their compensation, which shall be included in the contract, and be paid by the contractor doing the work. The commissioners may authorize the company or companies to do the whole or any portion of the work and the cost of the same may be apportioned as provided in section five of this act between said companies and the city respectively. In case the cost of the proposed improvement shall be apportioned as provided in said section five, the commissioners may include, as a part of the cost, the expense of preparing plans, alteration, change, or modification of plans therefor, and any damages that Estimates. Letting of work. Superintendence of work. Performance of work. Cost, how apportioned.

Payment of city's proportion.

may be awarded under section nine hereof. The city shall, upon demand, pay to the said company or companies, doing the same, the proportion of the cost of the proposed improvement apportioned to the city from time to time as the work progresses, upon the certificate of the chief engineer of the commission. The said companies may enforce the payment thereof by mandamus, and may suspend all work until such payment is made.

§ 12, as amended by L. 1890, ch. 255, amended.

§ 9. Section twelve of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by section nine of chapter two hundred and fifty-five of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Proceedings for taking of lands and assessment of damages to property.

§ 12. If the commissioners shall decide that it is necessary for the purpose of carrying out any plan or modification or alteration of a plan adopted by them, that any street shall be closed or discontinued, or that the grade of any street or portion of any street or public ground shall be changed, and that any property may be injured thereby for which the owners or persons interested therein are lawfully entitled to compensation, or that any land shall be taken incident to the changes of the grade of any street, or to widen any street, or in the event that the commission shall undertake the work on the failure of the company or companies to

Application for commissioners.

do so, the commissioners, by their chairman, may apply to a special term of the supreme court for the appointment of three commissioners to ascertain the compensation therefor to be paid to the owners of, or parties interested in, the land proposed to be taken, or which may be injured. Such application shall be made by petition duly verified by one of the commissioners, according to the practice of the court, and shall contain a description of the lands sought to be taken or which may be injured, and the names of the owners and parties interested therein so far as they can be ascertained. The petition shall be served by delivering a copy thereof to each person named therein as an owner of, or interested in the lands, or by leaving the same at the residence of such person, in the city of Buffalo, at least fourteen days before the time when the same is to be presented to the court. In case any of the persons named in the petition do not reside in the city of Buffalo, or their residence cannot with due diligence be ascertained, or if they, or any of them are nonresidents of the state, or are infants, lunatics or absent from the state, the court may by order direct the manner in which the petition shall be served, by publication or otherwise, and it shall be served pursuant to the order. Upon the day named

in the petition for the presentation thereof, any person named therein as an owner of the lands, or as interested therein, may file an answer denying any material allegation of the petition or may demur thereto. The court shall thereupon try the issue thus made and decide the same. If no answer or demurrer to the petition is filed, or if the issue upon an answer or demurrer is decided against the person filing the same, the court shall appoint three disinterested freeholders of the city of Buffalo commissioners to ascertain and report the just compensation to be paid to the owners and parties interested in the lands for taking the same or for the injury thereto, and shall name the time and place for the first hearing before the commissioners. The commissioners shall meet at such time and place, and having first taken an oath to faithfully discharge their duties as commissioners, and to ascertain and report the just compensation to be paid to the owners of, and parties interested in, the lands for taking the same, or for injury thereto, to the best of their ability, they shall view the land sought to be taken or claimed to be injured. The commissioners shall have the power to issue subpoenas to compel the attendance of witnesses, to administer oaths to witnesses, and to adjourn from time to time. They shall hear the proofs and allegations of the parties and report the evidence taken before them together with their decisions of the amount of compensation to be paid to the owners and parties interested in the lands sought to be taken, for such lands, or if the lands were not taken, the amount to be paid for injury thereto by carrying out the proposed plan, and shall designate to whom such compensation shall be paid and in what sums according to their respective interests. Upon such report being filed, any party interested may move the court for confirmation thereof, and it shall be confirmed. The court shall fix the amount of damages, costs and expenses allowed by law to be allowed the landowner and the petitioner, and shall order the same to be paid by the company or companies interested and the city as and in such proportion as shall have been fixed by the commission, or by the agreement provided for in section five of this act, and may order the sums named by the commissioners to be paid to the persons designated by them, or may order the whole or any part of the amount paid into court or deposited in some savings bank in the city of Buffalo for their benefit. Upon such payment or deposit being made by the city, the fee of the land sought to be taken shall vest in the city, and all claims for damages to the property claimed to be injured shall be extinguished.

Answer or demurrer.

Appointment of commissioners.

Powers and duties.

Hearing; report.

Action of court thereon.

Land, when to vest; damages, when to be extinguished.

Proceedings to be conducted before one commission.

All proceedings for the taking of lands and the assessment of damages to property in pursuance of the provisions of this act shall, as far as possible, be conducted before one and the same commission under one appointment.

§ 13 amended.

§ 10. Section thirteen of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight is hereby amended so as to read as follows:

Payment for certain lands used by companies.

§ 13. If any land so taken, or any part thereof, shall be used by any railroad, terminal, bridge or other transportation corporation under the provisions of a plan adopted by said commission as provided herein for any of the structures directed to be erected by the commissioners appointed by this act, the commissioners shall notify such company to pay to the city the amount fixed by the order of the court confirming the report of the commissioners to ascertain the amount of compensation to be paid therefor and the costs and expenses of the proceedings to take the same and thereupon such company shall pay the same to the city treasurer. Upon such payment being made the fee of the land taken shall vest in such company. In case the same is not paid by such company within thirty days after the services of such notice, the amount apportioned against the company in default may be recovered by the commissioners by an action to be brought by one of their number and applied to the payment of the award.

Fee to vest in company.

Recovery for default in payment.

§ 3, as added by L. 1901, ch. 36, amended.

§ 11. Section three of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as added[4] by chapter thirty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

Acquisition of lands.

§ 3. The commissioners are authorized and empowered to acquire any lands in the city of Buffalo not heretofore authorized to be acquired, which they shall decide to be necessary for the purpose of carrying out the contracts hereby authorized, and the plan or plans, amendment or modifications or alterations of any plan provided for in this act.

The proceedings provided for in section nine of this act shall be applicable for the purpose of acquiring title to any such lands.

§ 14, as amended by L. 1890, ch. 255, amended.

§ 12. Section fourteen of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by section ten of chapter two hundred and fifty-five of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

[4] This act added a new § 3 without repealing the original § 3.

§ 14. Either party may appeal from the report of the commissioners and the order of the special term confirming such report of the commissioners appointed under sections five and nine of this act to the appellate division of the supreme court. Upon such appeal said court shall examine the proceedings before the commissioners and may affirm or modify the order of the special term and the report of the commissioners or reverse the same and remit the proceedings to the same commissioners or to new commissioners to be appointed by the special term, and their report shall be final.

Appeals from report of commissioners.

§ 13. Section fifteen of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by section eleven of chapter two hundred and fifty-five of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 15, as amended by L. 1890, ch. 255, amended.

§ 15. The expense of the commission, the cost of the surveys and plans made by their order, and the compensations of the engineers, attorney and stenographer employed by them shall be paid by the city. The commissioners mentioned in section one of this act shall serve without compensation. The other commissioners provided for in this act shall each receive six dollars per day while in the actual discharge of their duties. Vacancies in any commission mentioned in this act, arising from non-acceptance of the office of commissioner, or by death, resignation or otherwise after acceptance, shall be filled by the supreme court on the application of either party upon eight days' notice to the other parties interested.

Expenses of commission, how paid.

Compensation of commissioners.

Vacancies.

§ 14. Section sixteen of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight is hereby amended so as to read as follows:

§ 16 amended.

§ 16. The city may borrow money from time to time to pay all moneys which it may become liable to pay under the provisions of this act, including its share of the expense of doing the work necessary to carry out the plans of the commissioners, to pay awards made against it for taking lands or for injury to lands under this act, and for paying awards for damages to property including the costs and expenses of ascertaining the same, for the salary of the secretary of the commissioners, the compensation of engineers and attorney employed by them and the expenses of the commission, the mayor and comptroller of the city may issue its bonds for this purpose in such amounts and payable at such times and bearing

City may borrow money for expenses incurred.

such rate of interest as the common council may from time to time determine.

Acts of commissioners, proceedings and contracts ratified.

§ 15. All of the official acts of the grade crossing commissioners of the city of Buffalo or a majority of them, in making and executing any contracts with any railroad company for the purpose of carrying out any plan or plans of said commissioners and all contracts entered into by said commissioners with any railroad are hereby affirmed and ratified, and shall be held to be in full force and validity, and all the acts of said commissioners or a majority of them in making and executing any such contracts shall be adjudged to have been legally made and executed in any and all proceedings or contracts relating thereto or founded thereon, but nothing in this section shall affect any action or proceeding pending in any court when this act takes effect. Nothing in this act shall affect the decision of the board of railroad commissioners in providing for the carrying of Elmwood avenue under the Erie International railroad and Delaware, Lackawanna and Western railroad.

Pending actions.

Certain decision of railroad commissioners not affected.

§ 2a, as added by L. 1906, ch. 144; § 4, as added by L. 1901, ch. 36; § 5, as amended by L. 1890, ch. 256; and § 18, as added by L. 1909, ch. 385; and L. 1890, ch. 255, § 12, as amended by L. 1897, ch. 240, repealed.

§ 16. Section two-a of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as added by chapter one hundred and forty-four of the laws of nineteen hundred and six, section four of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as added[5] by chapter thirty-six of the laws of nineteen hundred and one, section five of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and ninety, section eighteen of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, as added[6] by chapter three hundred and eighty-five of the laws of nineteen hundred and nine, and section twelve of chapter two hundred and fifty-five of the laws of eighteen hundred and ninety, as amended by chapter two hundred and forty of the laws of eighteen hundred and ninety-seven, are hereby repealed.

§ 17. This act shall take effect immediately.

[5] This act added a new § 4 without repealing the original § 4.
[6] This act added a new § 18 without repealing the original § 18.

Chap. 359.

AN ACT to amend the county law, in relation to the powers of boards of supervisors.

Became a law June 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision five of section twelve of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," is hereby amended to read as follows:[1]

L. 1909, ch. 16, § 12, subd. 5 amended.

5. Have power to fix the amount and the time or manner of payment of the salary or compensation of any county officer or employee, except a judicial officer and the mode of appointment, number and grade of the clerks, assistants or employees in any county office, notwithstanding the provisions of any general or special law fixing the amount of such salary or the time or manner of payment thereof, or providing for the mode of appointment, number or grade of the clerks, assistants or employees in any county office, or vesting in any other board, body, commission or officer authority to fix the amount of such salary or compensation or the time or manner of payment thereof or to provide for the mode of appointment, number or grade of the clerks, assistants or employees in any county office; and the power hereby vested in the board of supervisors shall be exclusive of any other board, body, commission or officer, notwithstanding any general or special law. The salary or compensation of an officer or employee elected or appointed for a definite term shall not be increased or diminished during such term.

Power of supervisors to regulate compensation and appointment of county officials.

Compensation not to be changed during term.

§ 2. This act shall take effect immediately.

[1] Section materially amended.

Chap. 360.

AN ACT to promote the health and efficiency of policemen in cities of the first and second class.[1a]

Became a law June 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Three platoon system to be established.

Section 1. Within thirty days after this act takes effect, the commissioner of police, superintendent of police, chief of police, or other officer or officers, having the management, control or direction of the police force of any city of the first or second class in this state, shall divide the sergeants, roundsmen and patrolmen of such force (but not including detective sergeants) who may be on duty in the open air, on the streets or other public places of the city, into three platoons. No one of such platoons nor any member thereof shall be assigned to more than one tour of duty; such tour of duty shall not exceed eight hours of each consecutive twenty-four hours, nor more than eight hours of reserve duty of each consecutive seventy-two hours, excepting only that in the event of strikes, riots, conflagrations, or occasions when large crowds shall assemble, or other similar emergency, or on a day on which an election authorized by law shall be held, or for the purpose of changing tours of duty, so many of said platoons, or of the members thereof, may be continued on duty for such hours as may be necessary.

Regulations.

Tours of duty to be changed.

§ 2. The tours of duty of sergeants, roundsmen, patrolmen, (not including detective sergeants) on duty in the open air, on the streets or other public places of a city of the first class or a city of the second class shall be changed at least once in each calendar month. Provided, however, that in cities of the first and second class which on December thirty-first, nineteen hundred and ten, had in force and operation a three platoon system, the tour of duty of such platoons and each member thereof, and the manner of changing such tours of duty may, at the election of the local authorities, having the management, control or direction of the police force, be and continue as the same were in force and in operation on said December thirty-first, nineteen hundred and ten.

[1a] This act is further amended by L. 1911, ch. 883, post.

§ 3. Policemen, while on reserve duty as mentioned in the first section of this act, shall not be required to render any service except in case of an emergency, and shall be free to retire for sleep during reserve duty in their station house, subject to call in case of an emergency. For the purpose of this act, an emergency shall be defined as enumerated in section number one of this act. Services while on reserve duty.

§ 4. Any commissioner of police, superintendent of police, chief of police, or other officer or officers, having the management, control or direction of the police force of any city of the first or second class in this state, (excepting such cities which on December thirty-first, nineteen hundred and ten, had in force and operation a three platoon system) who shall fail to divide such force into three platoons within the time prescribed in section one of this act shall be deemed to have forfeited his office and, upon the written petition of any citizen of the city in which such violation took place, must be removed therefrom by the supreme court of the judicial district within which such city is contained. A copy of such petition must be served upon the officer accused and he shall have the right to appear and to give evidence and to be heard in his defense. Persons having control of force to forfeit office on failure to comply.

§ 5. Any commissioner of police, superintendent of police, chief of police, or other officer or officers, having the management, control or direction of the police force of any city of the first or second class in this state, and any inspector, captain, lieutenant, sergeant or roundsman of the police force of any such city, who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed by law.[1] Violation a misdemeanor.

§ 6. All general or special laws inconsistent with this act, or with any part thereof, are hereby repealed. Provided, however, that this act shall in no manner affect any provisions of such laws concerning furlough or leave of absence of policemen or exempting patrolmen from obligation to wear uniform when not on actual duty. Inconsistent acts repealed; proviso.

§ 7. This act shall take effect July second, nineteen hundred and eleven. In effect July 2, 1911.

[1] See penal law (L. 1909, ch. 88), § 1937.

Chap. 361.

AN ACT relating to an act entitled "An act to provide for the construction and maintenance of a sanitary trunk sewer and sanitary outlet sewer in the county of Westchester and to provide means for the payment therefor," being chapter six hundred and forty-six of the laws of nineteen hundred and five, and the acts amendatory thereof and supplemental thereto; to terminate the terms of office of the sewer commissioners named in said act; to vest the functions of said sewer commissioners in three commissioners to be appointed by the governor of the state of New York; to enlarge the powers heretofore exercised by said sewer commissioners; and to provide for the examination and investigation of the accounts and acts of the persons heretofore constituting said sewer commissioners.

Became a law June 16, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City of Mount Vernon. Passed without the acceptance of the City of Yonkers.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Terms of office of present commissioners to cease.

Section 1. The terms of office of the commissioners under an act entitled "An act to provide for the construction and maintenance of a sanitary trunk sewer and sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor," being chapter six hundred and forty-six of the laws of nineteen hundred and five, as amended by chapter seven hundred and forty-seven of the laws of nineteen hundred and seven, and by chapter ninety-six of the laws of nineteen hundred and nine, heretofore constituting the sewer commissioners named and described in said act, shall cease and determine within ten days after the passage of this act and the powers, duties and functions now by law exercised by and imposed on them are hereby granted to and vested in three commissioners, who shall be appointed by the governor of the state of New York, within ten days after the passage of this act, from among the citizens of the United States and residents of the county of Westchester, and who shall, unless sooner removed, hold office for the term of two years from the date of their organization, when their term of office and the office itself shall cease and determine.

Powers and duties to vest in commissioners appointed by governor.

Terms.

§ 2. Within ten days after their appointment by the governor of the state of New York, the said commissioners shall meet in the county of Westchester and after taking and subscribing severally an oath that they will faithfully and impartially execute and perform the duties imposed upon them by law, shall organize the said commission and shall elect one of the commissioners as chairman of said commissioners. Said oath shall be filed in the office of the clerk of the board of supervisors of Westchester county. Oath and organization of commissioners.

§ 3. The said commissioners or any of them may, whenever in the judgment of the governor of the state of New York the public interests shall so require, be removed from office and shall be ineligible for reappointment thereto. The successors in office of the said commissioners shall also be appointed by the governor of the state of New York within ten days after any vacancy shall occur and shall be removed by the governor whenever the public interests so require. Removal from office. Appointment of successors.

§ 4. In addition to the duties of the sewer commissioners prescribed in the said act entitled "An act to provide for the construction and maintenance of a sanitary trunk sewer and sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor," it shall be the duty of the commissioners appointed by the governor as herein provided, and said commissioners are hereby authorized, empowered and directed to examine into and investigate all books, records, accounts, contracts and any and all proceedings involving an expenditure of money of John E. Andrus, William Archer and John J. Brown while the said John E. Andrus, William Archer and John J. Brown were acting as sewer commissioners under said act entitled "An act to provide for the construction and maintenance of a sanitary trunk sewer and sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor," and to examine and investigate all receipts and disbursements together with the reasons therefor, made or given by said John E. Andrus, William Archer and John J. Brown while acting as such sewer commissioners. For the purpose of making the examination and investigation herein provided for and of ascertaining facts in connection with this examination, the said commissioners appointed by the governor as herein provided, shall have full power to issue subpoenas and to compel the attendance of persons to testify before them, and the production of any and all books, papers, documents and records of a person or persons, corporation or corporations, New commissioners to investigate financial proceedings of late commissioners. Powers relative to investigation.

in regard to any matter under investigation or examination by them, and to administer oaths or affirmations to all persons who appear or who are brought before them to testify in reference to any such matter. Any person who shall refuse or neglect to attend or testify or to produce books, papers, documents or records in obedience to any such subpoena or refuse to be sworn or examined or refuse to answer any proper pertinent question, may be arrested by virtue of an order of attachment which may be issued by any justice of the supreme court or by the county judge of Westchester county upon his knowledge of such neglect or refusal and upon written proof of the service of such subpoena and such neglect or refusal and in the absence of a satisfactory excuse therefor, may be punished in the same manner and to the same extent as a witness refusing or neglecting to attend in obedience to a subpoena duly issued and served out of the supreme court. And the said commissioners appointed by the governor as herein provided, for the purpose of carrying on said investigation and to aid them in the same, are hereby authorized and directed to call upon the attorney-general of the state of New York to assist them in making such investigation as may be required under the provisions of this act and to direct said investigation, and the attorney-general of the state of New York is hereby authorized and directed to appear before said commissioners personally or by such person or persons as he may designate for the purpose and direct such investigation or investigations as may be made by said commissioners and aid and assist with legal advice or by examining witnesses and records and by taking such other action as may be necessary for the proper carrying out of the provisions of this act. The expenses and disbursements of the said commissioners in making such investigation and examination, and the salary and compensation of any and all persons employed by said commissioners to aid and assist them in making and carrying on said investigation and examination and all other expenses in connection therewith shall be paid on the certification of the said commissioners or of such person or persons as may be designated by them, from the funds provided for in said act entitled "An act to provide for the construction and maintenance of a sanitary trunk sewer and sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor." The said commissioners appointed by the governor as herein provided shall as soon as is practicable make a report which shall embody the result of such investigation and examination made by them under the provisions of this act

Attorney-general may be called upon to assist.

Expenses of investigation how paid.

Report to governor.

and contain, in addition, any recommendations pertinent to the subjects investigated by them that they may deem proper. Said report shall be made to and filed with the governor of the state of New York.

§ 5. Nothing contained in this act shall be construed to repeal any statute of the state of New York not inconsistent with the provisions of this act, and the same shall remain in full force and effect when not inconsistent with the provisions of this act, and shall be construed and enforced in harmony with the provisions of this act. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Saving clause.

§ 6. This act shall take effect immediately.

Chap. 362.

AN ACT to amend the highway law, generally.

Became a law June 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy-eight of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," as amended by chapter one hundred and sixty-five of the laws of nineteen hundred and ten and chapter five hundred and sixty-seven of the laws of nineteen hundred and ten, is hereby amended to read as follows: L. 1909, ch. 30, § 178, as amended by L. 1910, chaps. 165, 567, amended.

§ 178. **State to share expense of maintaining county roads.** Whenever any county has constructed, maintained or improved, or shall hereafter construct, maintain or improve under a general or special law a county road or roads as defined in subdivision three of section three without expense to the state, the state shall be liable to annually contribute toward the expense of maintaining such road or roads fifty per centum of the amount appropriated by such county for the maintenance of such road or roads during the preceding year, unless provision be otherwise made for such maintenance as provided in this section. The clerk of the board of supervisors of a county entitled to a contribution from the state toward the maintenance of its roads under this section shall annually, on or before the first day of January, transmit to the state

comptroller a statement certified by him and signed and verified by the chairman of such board, stating the amount appropriated by the board of supervisors of such county for the maintenance of such county road or roads during the preceding year. The comptroller shall draw his warrant upon the state treasurer in favor of the treasurer of such county, for an amount equal to fifty per centum of the amount so appropriated. Such money shall be applicable to the repair and permanent improvement of such county road or roads, and shall be expended in the same manner as money appropriated by the county for such purpose. The sum paid by the state to any county by virtue of this section shall not exceed, in any one year, one-tenth of one per centum of the taxable property of such county. [1]The commission may at any time inspect such county roads and if they determine that any of such roads are of sufficient importance and are properly constructed, they shall make an order directing that such county roads become a part of the system of state or county highways in such county, and thereafter such roads shall be maintained as state or county highways in the manner provided in this article, and the state shall cease to contribute for the maintenance thereof as provided in this section. Such order shall be served upon the chairman of the board of supervisors and a certified copy thereof shall be filed in the office of the county clerk and one in the office of the state comptroller.

§ 2. This act shall take effect immediately.

Chap. 363.

AN ACT to amend the judiciary law, in relation to the salary of special deputy clerks appointed by the justices of the appellate division, first department.

Became a law June 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 35, § 275 amended.

Section 1. Section two hundred and seventy-five of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting

[1] Remainder of section new.

chapter thirty of the consolidated laws," is hereby amended to read as follows:

§ 275. **Salary of special deputy clerks appointed by justices of appellate division of first department.** The compensation to be paid to each person appointed a special deputy clerk to the clerk of the county of New York by the justices of the appellate division in the first department or designated a supreme court jury clerk in the first judicial district by said justices shall be fixed by said appellate division not to exceed four thousand dollars per annum for the special deputy clerk assigned to part one of the special term known as a calendar clerk of special term part one; and not to exceed four thousand dollars per annum for the special deputy clerk assigned to part two of the special term known as the ex parte clerk; and not to exceed four thousand dollars per annum for the special deputy clerk assigned to part three of the special term known as special term calendar clerk; and four thousand dollars per annum for the special deputy clerk assigned to part two of the trial term known as the trial term calendar clerk; and not to exceed four thousand dollars per annum for the special deputy clerk designated to be supreme court jury clerk; and not to exceed four thousand dollars per annum for the special deputy clerk assigned to the appellate term; and not to exceed three[1] thousand five hundred dollars per annum for each of the other special deputy clerks and not to exceed two thousand five hundred dollars per annum for[2] each of the assistants to such special deputy clerks.

§ 2. This act shall take effect immediately.

Chap. 364.

AN ACT to amend the code of civil procedure, in relation to judgment upon appeal from a justice's court.

Became a law June 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three thousand and sixty-three of the code of civil procedure is hereby amended to read as follows: § 3063 amended.

1 Formerly "two."

2 Words "not to exceed two thousand five hundred dollars per annum for," new.

§ 3063. **Judgment.** In a case specified in the last section, the appeal must be heard upon the original papers or a certified copy thereof, and a copy or copies thereof need not be furnished for the use of the court. The appellate court must render judgment according to the justice of the case, without regard to technical errors or defects which do not affect the merits. It may affirm, modify,[1] or reverse the judgment of the justice, in whole or in part, and as to any or all of the parties, and for errors of law or of fact, and where the judgment is contrary to or against the weight of the evidence the appellate court may, upon its reversal of a judgment, order a new trial before the same justice or before another justice of the same county to be designated in the order, and at a time and place to be specified in the order, and in such a case the costs of the appeal shall be in the discretion of the appellate court.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

Chap. 365.

AN ACT to amend the judiciary law, in relation to salaries of clerks to justices of appellate division of the second department and to salaries of clerks to justices of the supreme court in the second judicial district.

Became a law June 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 35, § 274, subd. 2 amended.

Section 1. Subdivision two of section two hundred and seventy-four of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," is hereby amended to read as follows:

Salary of clerk to justice of appellate division, second department.

2. A clerk to a justice of the supreme court designated to the appellate division of the second department appointed pursuant to section one hundred and three of this chapter, shall receive an annual salary, to be fixed in amount by the[1a] justices of the

[1] Word "modify" new.

[1a] Words "justice appointing him, of not to exceed two thousand five hundred dollars," omitted. Remainder of sentence new.

appellate division of the second department, or a majority of them. The comptroller of the state shall cause the salaries of such clerks to be paid to them in equal quarterly installments, and shall annually apportion the aggregate sum of such salaries among the counties of the second judicial department, in proportion to the taxable property of such counties respectively, according to the last assessment-roll thereof. The amount so apportioned to each county shall be a county charge, and the county treasurer upon receipt thereof shall pay over the same to the comptroller of the state. Salaries of clerks, how paid.

§ 2. Subdivision two of section two hundred and seventy-nine of such chapter is hereby amended to read as follows: § 279, subd. 2 amended.

2. The salary of the confidential clerks appointed by the justices of the supreme court other than justices of the appellate division residing in the second judicial district not including the county of Kings shall [2]be fixed in annual amount by the justices of the supreme court residing in the second judicial district other than justices of the appellate division, or a majority of them. To make up and pay the amount so fixed,[3] the boards of supervisors of the counties of Suffolk, Queens, Nassau and Richmond, in the second judicial district, respectively, shall annually levy and cause to be collected, as a county charge, an amount of money which the salaries aforesaid shall proportionately bear to the taxable real and personal property in said counties, respectively, according to the last annual assessment-rolls therein, to be apportioned by the comptroller of the state. And the respective treasurers of said counties shall receive and pay over the sum so raised to the comptroller of the state, who shall thereupon pay to the said confidential clerks aforesaid, under the direction of said justices, in equal quarterly payments, the salaries so to be allowed such confidential clerks, not exceeding the amount so fixed.[4] Salaries of confidential clerks, second district. How paid.

§ 3. Subdivision three of section two hundred and seventy-nine of such chapter is hereby amended to read as follows: § 279, subd. 3 amended.

3. The clerk appointed by each of the justices of the supreme court residing in Kings county shall receive a salary [5]to be fixed in annual amount by the justices of the supreme court residing Salaries of clerks of justices of supreme court

[2] Words "not exceed the sum of two thousand five hundred dollars per annum," omitted. Remainder of sentence new.

[3] Words "amount so fixed" substituted for words "sum of money specified in this subdivision."

[4] Words "so fixed" substituted for words "hereby authorized."

[5] Words "not exceeding two thousand five hundred dollars a year," omitted.

residing in Kings county.

in the second judicial district other than justices of the appellate division, or a majority of them and[6] to be raised and paid in the same manner as the salaries of attendants and officers.

In effect Jan. 1, 1912.

§ 4. This act shall take effect on the first day of January, nineteen hundred and twelve.

Chap. 366.

AN ACT to amend the insurance law, relative to proceedings against and the liquidation of delinquent insurance corporations.

Became a law June 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 33, § 63, as added by L. 1909, ch. 300, and amended by L. 1910, ch. 634, amended.

Section 1. Section sixty-three of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter three hundred of the laws of nineteen hundred and nine, and amended by chapter six hundred and thirty-four of the laws of nineteen hundred and ten, is hereby further amended to read as follows:

§ 63. **Proceedings against and liquidation of delinquent insurance corporations.** This section shall apply to all domestic corporations, associations, societies and orders to which any article of this chapter is applicable, including all corporations, associations, societies and orders which are subject to examination under any section of this chapter, or which are doing or attempting to do or representing that they are doing the business of insurance in this state, or which are in process of organization intending to do such business therein,[1] anything as to any such corporations, associations, societies or orders provided in this article to the contrary notwithstanding; and the words "corporation" or "corporations" herein shall also include all such associations, societies and orders, [2]as well as all voluntary or unincorporated associations.

1. Whenever any such corporation (a) is insolvent; or (b) has

[6] Words "to be fixed in annual amount . . . of them and," new.
[1] Words "including all corporations . . . business therein," new.
[2] Remainder of sentence new.

refused to submit its books, papers, accounts or affairs to the reasonable inspection of the superintendent, or his deputy or examiner; or (c) has neglected or refused to observe an order of the superintendent to make good within the time prescribed by law any deficiency, whenever its capital, if it be a stock corporation, or its reserve, if it be a mutual corporation, shall have become impaired; or (d) has, by contract of reinsurance or otherwise, transferred or attempted to transfer substantially its entire property or business, or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other corporation, association, society or order, without having first obtained the written approval of the superintendent; or (e) is found, after an examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to the public; or (f) has willfully violated its charter or any law of the state; or (g) whenever any officer thereof has refused to be examined under oath touching its affairs; or (h) if such corporation be organized under article six,[3] seven or eight of this chapter, its condition is found, after examination, to be such that it could not meet the requirements for incorporation and authorization specified in such articles respectively,— the superintendent may, the attorney-general representing him, apply to the supreme court or any justice[4] thereof in the judicial district in which the principal office of such corporation is located for an order directing such corporation to show cause why the superintendent should not take possession of its property and conduct its business, and for such other relief as the nature of the case and the interests of its policyholders, creditors, stockholders, or the public may require.

2. On such application, or at any time thereafter, such court may, in its discretion, issue an injunction restraining such corporation from the transaction of its business or disposition of its property until the further order of the court. On the return of such order to show cause, and after a full hearing, the court shall either deny the application or direct the superintendent forthwith to take possession of the property and conduct the business of such corporation, and retain such possession and conduct such business until, on the application either of the superintendent, the attorney-general representing him, or of such corporation, it shall, after

[3] Word "six" new.
[4] Formerly "judge."

a like hearing, appear to the court that the ground for such order directing the superintendent to take possession has been removed and that the corporation can properly resume possession of its property and the conduct of its business.

3. If, on a like application and order to show cause, and after a full hearing, the court shall order the liquidation of the business of such corporation, such liquidation shall be made by and under the direction of the superintendent, who may deal with the property and business of such corporation in his own name as superintendent or in the name of the corporation, as the court may direct, and shall be vested by operation of law with title to all of the property, contracts and rights of action of such corporation as of the date of the order so directing him to liquidate. The filing or recording of such order in any record office of the state shall impart the same notice that a deed, bill of sale or other evidence of title duly filed or recorded by such corporation would have imparted. [5]The rights and liabilities of any such corporation, and of its creditors, policyholders, stockholders and members, and of all other persons interested in its assets, shall, unless otherwise directed by the court, be fixed as of the date of the entry of the order directing the liquidation of such corporation in the office of the clerk of the county wherein such corporation had its principal office for the transaction of business upon the date of the institution of proceedings under this section.

4. For the purposes of this section, the superintendent shall have power to appoint, under his hand and official seal, one or more special deputy superintendents of insurance, as his agent or agents, and to employ such counsel, clerks and assistants as may by him be deemed necessary, and give each of such persons such powers to assist him as he may consider wise. The compensation of such special deputy superintendents, counsel, clerks and assistants, and all expenses of taking possession of and conducting the business of liquidating any such corporation shall be fixed by the superintendent, subject to the approval of the court, and shall, on certificate of the superintendent, be paid out of the funds or assets of such corporation. [5]During the progress of any proceedings taken under this section, the superintendent, his deputies or any examiner authorized by him and the special deputy superintendent of insurance acting for the said superintendent therein shall have all of the powers given to the superintendent, his

[5] Following sentence new.

deputy or any examiner authorized by him, by section thirty-nine[6] of this chapter, including the power to examine under oath the persons specified in such section, and to compel the production of books and papers as therein provided.

5. For the purposes of this section, the superintendent shall have power, subject to the approval of the court, to make and prescribe such rules and regulations as to him shall seem proper.

6. The superintendent shall transmit to the legislature, in his annual report, the names of the corporations so taken possession of, whether the same have resumed business or have been liquidated, and such other facts as shall acquaint the policyholders, creditors, stockholders and the public with his proceedings under this section; and, to that end, the special deputy superintendent in charge of any such corporation shall file annually with the superintendent a report of the affairs of such corporation.

7. All acts of the superintendent of insurance in taking or continuing in possession of any property, or in the regulation, conduct or liquidation of the business, of any corporation to which this section is applicable, since the first day of January, nineteen hundred and nine, whether such taking possession, continuing in possession, regulation, conduct or liquidation was in pursuance of a contract, by mutual consent or otherwise, are hereby ratified, legalized and confirmed.

8. At any time after the court shall order the liquidation of the business of any such corporation, as provided in paragraph number three of this section, the superintendent of insurance may apply for the dissolution of such corporation, and the same, after due notice and hearing and such other procedure as to the court shall seem proper, shall be dissolved.

9.[7] The order to show cause and the papers upon which the same is made in any proceeding instituted under the provisions of this section shall be served upon the corporation named in such order in the manner prescribed for personal service of summons upon a domestic corporation by section four hundred and thirty-one of the code of civil procedure. When it is satisfactorily proved by affidavit that the officers of the corporation named in the said order to show cause, upon whom service is required to be made as above provided, or, if a Lloyds association be named in the order to show cause, the duly designated attorney-in-fact, have

[6] As amended by L. 1910, ch. 634.
[7] Subd. 9 new.

departed from the state or keep themselves concealed therein with intent to avoid service, such order to show cause may provide for service thereof in such manner as the court or justice by whom the same is made, shall direct.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 367.

AN ACT to amend chapter five hundred and forty-four of the laws of nineteen hundred and nine, entitled "An act to provide for the construction of sewage disposal works in and for the town of Pelham," relating to operation of village pumping station.

Became a law June 19, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 9a added to L. 1909, ch. 544.

Section 1. Chapter five hundred and forty-four of the laws of nineteen hundred and nine, entitled "An act to provide for the construction of sewage disposal works in and for the town of Pelham," is hereby amended by adding thereto a new section, to be known as section nine-a, to read as follows:

Operation of pumping station.

§ 9-a. At any time after each of the villages of the town of Pelham shall have connected each of the sewer systems of said villages with said disposal plant, the Pelham board of sewage disposal works shall authorize and direct the engineer of the disposal plant to superintend the operation of the pumping at the present existing pumping station within the village where said disposal plant is located, provided the said Pelham board of sewage disposal works shall not incur any additional expenditures therefor, except as may become necessary by reason of the negligence or misconduct of such engineer.

§ 2. This act shall take effect immediately.

Chap. 368.

AN ACT to amend the code of civil procedure, in relation to short form orders upon the determination of motions.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven hundred and sixty-seven of the code of civil procedure is hereby amended to read as follows: § 767 amended.

§ 767. **Definition and form[1] of an order.** A direction of a court or judge, made, as prescribed in this act, in an action or special proceeding, must be in writing, unless otherwise specified in the particular case. Such a direction, unless it is contained in a judgment, is an order. [2] In determining a motion, the court shall cause its determination, together with a recital of the papers read on the motion on either side to be indorsed on or appended to the back of the motion papers and shall sign the same and such indorsement and signature shall constitute the order of the court; but nothing herein contained shall prevent the court, upon the application of either party, from resettling such order in the form of the written order heretofore in use.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

Chap. 369.

AN ACT to amend the insurance law, in relation to the reinsurance of life insurance corporations.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-two of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation L. 1909, ch. 33, § 22, as amended

[1] Words "and form" new.
[2] Remainder of section new.

by L. 1909, ch. 301, and L. 1910, ch. 168, amended.

to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as amended by chapter three hundred and one of the laws of nineteen hundred and nine, and by chapter one hundred and sixty-eight of the laws of nineteen hundred and ten, is hereby further amended to read as follows:

§ 22. **Reinsurance.** Every insurance corporation doing business in this state may reinsure the whole or any part of any policy obligation in any other insurance corporation; provided that if any domestic insurance corporation, other than a life insurance corporation, shall reinsure or determine to reinsure substantially all its risks, such reinsurance shall be submitted in advance to, and have the approval of, the superintendent of insurance, and provided, further, that no domestic life insurance company shall reinsure its whole risk on any individual life except by permission of the superintendent of insurance, but may reinsure any portion of an individual risk and receive credit for the reserve on any policy covering a risk reinsured if the reinsuring corporation is authorized to transact business in this state, and may also receive credit for taxes on the premiums paid on any such policy. [1] Nothing in this chapter contained shall be construed as permitting the reinsurance of a life insurance corporation having over two hundred and fifty million dollars of insurance outstanding and in force. When a reinsurance agreement is made between other than life insurance corporations, the parties to such agreement shall, upon the policies involved, compute their unearned premium funds as follows: The reinsuring or ceding corporation shall, upon the portion of its liability not reinsured, maintain a reserve to be computed in accordance with section one hundred and eighteen of the insurance law; the corporation assuming liability by reinsurance from the corporation issuing the original policy shall maintain a reserve equal to that which the reinsuring corporation would have been required to maintain upon the amount reinsured had it retained the liability ceded by it. No credit of any kind shall be allowed or given, either as a reduction of taxes or of liabilities, to any corporation transacting business in this state, for reinsurance made in corporations not authorized to issue policies in this state. The superintendent of insurance shall require schedules of reinsurance to be filed by each corporation at the time of making its annual report to the department.

[1] Following sentence new.

§ 2. Section ninety-six of said chapter, as amended by chapter six hundred and ninety-seven of the laws of nineteen hundred and ten, is hereby further amended to read as follows: § 96, as amended by L. 1910, ch. 697, amended.

§ 96. **Limitation of new business.** No domestic life insurance corporation shall issue in any year new policies for a larger amount in the aggregate than as follows, to wit: If the total amount of insurance by said corporation in force on the thirty-first day of December of the preceding year is more than fifty million dollars, and not in excess of one hundred million dollars, not more than thirty per centum thereof; if more than one hundred million dollars, and not in excess of three hundred million dollars, not more than twenty-five per centum thereof, or thirty million dollars, whichever is the larger; if more than three hundred million dollars, and not in excess of six hundred million dollars, not more than twenty per centum thereof, or seventy-five million dollars, whichever is the larger; if more than six hundred million dollars, not more than one hundred and fifty million dollars, or it may increase its new business over the largest amount issued in any one of the three years immediately preceding in the proportion in respect to said amount which the difference between twenty-five per centum of its net renewal premiums computed according to the bases of mortality and interest assumed in calculating its liabilities, and its total expenses for such preceding year, after deducting from said total expenses, (1) the items of first year expenditure specified in the first sentence of section ninety-seven of this chapter, (2) its actual investment expenses (not exceeding one-fourth of one per centum of the mean invested assets) and (3) taxes on real estate and other outlays exclusively in connection with real estate, bears to said net renewal premiums; provided, that in determining the amount of insurance in force and the amount of new insurance issued, policies of reinsurance and[2] industrial policies issued upon the weekly premium plan and all premiums on such policies and the expenses in connection with such policies, shall be excluded and there shall be included only that insurance upon which the first premium or installment thereof has actually been received. A foreign life insurance corporation, which shall not conduct its business within the limitation and in accordance with the requirements imposed by this section upon domestic corporations, shall not be permitted to do business within this state.

[2] Words "policies of reinsurance and" new.

§ 101, as added by L. 1909, ch. 301, amended.

§ 3. Section one hundred and one of said chapter, as added by chapter three hundred and one of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 101. **Standard provisions.** On and after January first, nineteen hundred and ten, no policy of life or endowment insurance shall be issued or delivered in this state unless and until a copy of the form thereof has been filed with the superintendent of insurance and approved by him; nor shall such policy, except policies of industrial insurance where the premiums are payable weekly, be so issued or delivered unless it contains in substance the following provisions:

1. A provision that the insured is entitled to a grace either of thirty days or of one month within which the payment of any premium after the first year may be made, subject at the option of the company to any interest charge not in excess of six per centum per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in full force, but in case the policy becomes a claim during the said period of grace before the overdue premium or the deferred premiums of the current policy year if any are paid, the amount of such premiums, with interest on any overdue premium, may be deducted from any amount payable under the policy in settlement.

2. A provision that the policy shall be incontestable after two years from its date of issue except for nonpayment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war.

3. A provision that the policy shall constitute the entire contract between the parties, but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be indorsed upon or attached to the policy when issued, and in such case the policy shall contain a provision that the policy and the application therefor shall constitute the entire contract between the parties.

4. A provision that if the age of the insured has been misstated the amount payable under the policy shall be such as the premium would have purchased at the correct age.

5. A provision that the policy shall participate in the surplus of the company annually.

6. A provision specifying the options to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid.

7. A provision that after three full years' premiums have been paid, the company at any time, while the policy is in force, will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a specified rate of interest, a sum equal to, or at the option of the owner of the policy less than, the reserve at the end of the current policy year on the policy and on any dividend additions thereto, less a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto; and that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year; which provision may further provide that such loan may be deferred for not exceeding six months after the application therefor is made. A company may, in lieu of the provision hereinabove permitted for the deduction from a loan on the policy of a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto, insert in the policy a provision that one-fifth of the entire reserve may be deducted in case of a loan under the policy, or may provide therein that the deduction may be the said two and one-half per centum or the one-fifth of the said entire reserve at the option of the company.

8. A table showing in figures the loan values, if any, and the options available under the policy each year upon default in premium payments, during at least the first twenty years of the policy.

9. In case the proceeds of a policy are payable in installments or as an annuity, a table showing the amounts of the installments or annuity payments.

10. A provision that the holder of a policy shall be entitled to have the policy reinstated at any time within three years from the date of default unless the cash value has been duly paid, or the extension period expired, upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at a rate not exceeding six per centum per annum payable annually.

Any of the foregoing provisions or portions thereof not applicable to single premium or nonparticipating or term policies shall to that extent not be incorporated therein; and any such policy may be issued or delivered in this state which in the opinion of

the superintendent of insurance contains provisions on any one or more of the several foregoing requirements more favorable to the policyholder than hereinbefore required. [3] The provisions of this section shall not apply to policies of reinsurance.

§ 102 amended.

§ 4. Section one hundred and two of said chapter is amended to read as follows:

§ 102. **Companies issuing participating policies not to do a nonparticipating business.** No domestic mutual life insurance corporation and no domestic stock life insurance corporation hereafter issuing or professing to issue any participating policies, shall issue any policies, except annuities, which do not by their terms give to the holders thereof full right to participate in the accumulations of said corporation as provided in this chapter. This section shall not apply to paid-up or temporary and pure endowment insurance issued or granted in exchange for lapsed or surrendered policies, nor to policies of reinsurance.[4]

§ 5. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 370.

AN ACT to amend chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Oswego," in relation to bonds and contracts for the construction of certain sewers therein and a sewage disposal plant therefor.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 330a added to L. 1895, ch. 394.

Section 1. Chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Oswego," is hereby amended by adding, after section three hundred and thirty thereof, a new section, to be section three hundred and thirty-a, to read as follows:

[3] Following sentence new.

[4] Words "nor to policies of reinsurance," new.

§ 330-a. In addition to all the rights, powers and authority hereinbefore and hereinafter by this chapter conferred upon the common council and the department of works, or either of them, or upon any other department or officer of said city of Oswego, with reference to the construction of sewers, the city of Oswego is hereby fully authorized and empowered, without limitation or restriction by any provision hereinbefore or hereinafter in this act contained, acting through the department of works and the common council, to construct in the city of Oswego, in addition to its present sewer system, two main trunk sewers; one upon the east side of the Oswego river, from a point near the corner of Lawrence and Cherry streets, and running thence in a general northerly direction to the lake and one upon the west side of the Oswego river beginning at a point in the western part of the fifth ward, between Hawley street and First avenue and running thence in a general northerly direction to the lake, with a sewage disposal plant in connection with said sewer upon the west side of the Oswego river, and said the city of Oswego is hereby further fully authorized and empowered, acting by the mayor and city chamberlain, to issue its bonds to an amount not exceeding seventy thousand dollars for the purpose of raising the money necessary for the construction of the first above mentioned main trunk sewer on the east side of the Oswego river from a point near the corner of Lawrence and Cherry streets and thence in a general northerly direction to the lake. Said bonds shall be exempt from all taxation and shall be payable in the following manner: fourteen thousand dollars shall be payable in fifteen years from the date of said bonds, and fourteen thousand dollars shall be payable each year thereafter for four years or until the entire sum of seventy thousand dollars shall have been fully paid, with interest thereon, payable semi-annually at a rate not to exceed four and one-half per centum per annum, from the date thereof; and said city of Oswego is hereby fully authorized and empowered by the mayor and city chamberlain to issue its bonds to an amount not exceeding one hundred and twenty thousand dollars for the purpose of raising the money necessary for the construction of said above mentioned main trunk sewer, with a sewage disposal plant in connection therewith, on the west side of the Oswego river, beginning at a point in the western part of the fifth ward between Hawley street and First avenue at Singleton street and running thence in a general northerly direction to the lake. Said bonds shall be exempt from all taxation and shall be

Construction of two main trunk sewers authorized.

Bond issues authorized.

payable in the following manner: twenty thousand dollars, twenty years from the date of the bonds, and twenty thousand dollars for each year thereafter for five years or until the entire sum of one hundred and twenty thousand dollars shall have been fully paid with interest thereon payable semi-annually at a rate not to exceed four and one-half per centum per annum from the date thereof.

Application of proceeds.

The city chamberlain shall receive the proceeds of each of the above authorized bond issues and shall, in a separate account for each issue, place the same to the credit of the department of works, and the same shall be expended by said department for specific purposes herein set forth for each issue and for no other purpose.

Tax for payment.

Said city of Oswego, in addition to the power which it now possesses to raise money for all other purposes by taxation shall have power to raise by general tax annually, and it shall be the duty of the common council of said city to levy and raise annually upon all the real and personal property assessed for taxation in said city, and as a part of the general tax levy, in each year until said bonds shall have been fully paid, such sum as shall be necessary for the payment of the interest on said bonds, until the year in which shall become due the first instalment of principal of said bonds, in which year and in each year thereafter in which an instalment of the principal of said bonds shall become due, said city shall have the power to raise by general taxation, and it shall be the duty of said common council to levy and raise annually upon all the real and personal property assessed for taxation in said city, and as part of the general tax levy, such a sum as shall be necessary in addition to said interest to pay said instalment, and the city chamberlain is hereby required to make said payments of principal and interest on said bonds as the same shall become due.

Plans and specifications.

No part of the construction of this section authorized shall be undertaken until the plans and specifications for the sewers herein provided shall have been approved by an expert engineer chosen by the mayor and the common council of the city of Oswego.

Contract for construction.

The construction herein authorized shall be done by contract awarded to the lowest responsible bidder after advertisement for bidders for not less than twenty days daily in the official papers of said city and for three successive weeks in the Engineering News. The bonds herein authorized to be issued shall not be sold until the contracts for the construction of the work herein provided for shall have been awarded as herein set forth. Nothing in this act contained shall be construed as prohibiting the construction by contract of the east side trunk sewer, so called, and the west side sewer and dis-

posal plant as two separate contracts. No part of the construction herein authorized shall be undertaken, none of the contracts herein referred to shall be made and none of the bonds herein mentioned shall be issued until there shall have been submitted to the taxpayers of said city, at a special election called for the purpose, the question whether such bonds shall be issued, nor until the majority of the taxpayers voting at such special election shall have approved the issue of such bonds. Referendum vote.

§ 2. This act shall take effect immediately.

Chap. 371.

AN ACT to amend the banking law, in relation to safe deposit companies.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and four of chapter ten of the laws of nineteen hundred and nine, entitled "An act in relation to banks, individual bankers and corporations under the supervision of the banking department, constituting chapter two of the consolidated laws," is hereby amended so as to read as follows: L. 1909, ch. 10, § 304 amended.

§ 304. **Remedy for non-payment of rent for safe.** 1.[1] If the amount due for the rental of any safe or box in the vaults of any such corporation shall not have been paid for two years, it may, at the expiration thereof, cause to be sent to the person in whose name such safe or box stands on its books, a notice in writing in a securely closed post-paid registered letter, directed to such person at his post-office address as recorded upon the books of the corporation, notifying such person that if the amount then due for the rental of such safe or box is not paid within thirty days from the date of such notice, the corporation will then cause such safe or box to be opened in the presence of its president or secretary or treasurer, and of a notary public not an officer or in the employ of the corporation, and the contents thereof, if any, will be inventoried and sealed

[1] Subdivision materially amended.

by such notary public and be placed in one of the general safes or boxes of the corporation, at the expense of such person, which shall not exceed the original rental of the safe so opened, and for a period of not less than two years from the time such safe or box be opened, unless sooner removed by the owner thereof.

2.[1] Upon the expiration of thirty days from the date of mailing such notice as aforesaid, and the failure of the person in whose name such safe or box stands on the books of the corporation to pay the amount due for the rental thereof, up to the date of such notice, the corporation may, in the presence of a notary public and of its president or secretary or treasurer, cause such safe or box to be opened, and the contents thereof, if any, to be removed, inventoried and sealed up by such notary public in a package, upon which such notary public shall distinctly mark, the name of the person in whose name such safe or box stood on the books of the corporation, and the date of the removal of same from such safe or box, and when such package has been so marked for identification by such notary public, it shall, in the presence of the president or secretary or treasurer of the corporation, be placed by such notary public in one of the general safes or boxes of the corporation, and thereafter the same shall remain in such general safe or box for a period not less than two years, unless sooner removed by the owner thereof, and such notary public shall thereupon, file with such corporation a certificate under his seal, which shall fully set out, the date of the opening of such safe or box, the name of the person in whose name such safe or box stood and a list of the contents, if any.

3.[2] A copy of such certificate shall within ten days thereafter be sent to the person in whose name such safe or box so opened, shall have stood on the books of such corporation, together with a notice that such contents will be kept, at the expense of such person, in a general safe or box in the vaults of such corporation, for a period not less than two years, which copy certificate shall be mailed to such person at his last known post-office address, in a securely closed post-paid registered wrapper. At any time after the mailing of such certificate and notice, and before the expiration of two years, such person may require the delivery of the contents of such safe as shown by said certificate, upon the payment of all rentals due at the time of the opening of such

[1] Subdivision materially amended.
[2] Subds. 3–7 new.

safe or box, and the cost of opening such box, the fees of the notary public for issuing his certificate thereon, and the payment of all further charges accruing during the period such contents shall remain in the general safe or box of such corporation.

4. After the expiration of two years from the time of mailing the certificate herein provided for, to the person in whose name such safe or box shall have stood at the time of the opening thereof, the said corporation shall cause to be mailed in a securely closed post-paid wrapper, registered and addressed to such person at his last known post-office address, a notice stating that two years have elapsed since the opening of the safe or box and the mailing of the certificate thereof, and that the said corporation will sell all the property or articles of value set out in said certificate, at a time and suitable place to be stated in such notice, not less than thirty days after the time of mailing such notice, and stating the amount which shall then be due for rental up to the time of opening such safe, the cost of opening thereof, and the further cost of safekeeping of all such contents for the period since the opening of said safe or box, and unless such person shall pay on or before the day mentioned all said sums, and all the charges accruing to the time of payment, including advertising, the said corporation shall sell all the property or articles of value set out in said certificate, at public auction, at the time and place stated in said notice, and a notice of the time and place of such sale shall be published once within ten days prior to such sale, in a newspaper, published in a place where such sale is held.

5. From the proceeds of such sale, the said corporation shall satisfy and deduct thereout all its said charges as stated in said notice, together with any further charges that shall have accrued since the mailing thereof, together with all reasonable charges of said notice, advertising, and of the said sale. The balance, if any, of such proceeds shall be deposited by the said corporation, within thirty days after the receipt of the same, with the treasurer or chamberlain of the city, if any, or if none, with the county treasurer of the county within which such sale was held. There shall be filed with such deposit a certificate of the said corporation, stating the name and last known place of residence of the owner of the property sold, the articles sold, the price obtained therefor, that the notice in subdivision four, herein required, was duly mailed and the receipt of the post-office attached thereto, and showing the advertising of such sale as herein required. The officer with whom such balance is deposited shall credit the same

to the owner of the property, and pay the same to such owner, his assignee, or legal representative, on demand and satisfactory evidence of identity. If such balance remains in the possession of such officer for a period of ten years, unclaimed by the person legally entitled thereto, it shall be transferred to the general funds of the city or county, and be applied and used as all other moneys belonging to such city or county.

6. Whenever the contents of any such safe or box, so opened as hereinbefore provided, shall consist either wholly or in part, of documents or letters or other papers of a private nature, such documents, letters or papers shall not be sold, but shall be retained by such corporation for a period of ten years from the time of the opening of the said box, and unless sooner claimed by the owner thereof, may after the expiration of such period, be by such corporation destroyed in the presence of an officer of such corporation and a notary public not an officer or in the employ of the corporation.

7. The preceding provisions hereof do not preclude any other remedy by action or otherwise now existing for the enforcement of the claims of such corporation against the person in whose name such safe or box stood, nor bar the right of such corporation to recover so much of the debt due it as shall not be paid by the proceeds of the sale of the property.

§ 2. This act shall take effect immediately.

Chap. 372.

AN ACT to amend chapter six hundred and eighty-three of the laws of nineteen hundred and five, entitled "An act to supplement the provisions of law relating to the police pension fund and firemen's pension fund of the city of Syracuse."

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Subds. 8, 9 added to L. 1905, ch. 683, § 1.

Section 1. Section one of chapter six hundred and eighty-three of the laws of nineteen hundred and five, entitled "An act to supplement the provisions of law relating to the police pen-

sion fund and firemen's pension fund of the city of Syracuse," is hereby amended by adding at the end thereof two new subdivisions, to read as follows:

8. All moneys collected and payable to the fund under the provisions of any statute. Police pension fund, how constituted.

9. All moneys appropriated for the benefit of the fund by the city. The board of trustees of the fund shall each year, at the time of making up the departmental estimate, prepare a full and detailed statement of the fund and estimated receipts thereof, and payments to be made therefrom during the succeeding fiscal year and furnish the same to the mayor; and an appropriation shall be annually made for the deficit, if any, for such fiscal year, as stated in such estimate.

§ 2. This act shall take effect immediately.

Chap. 373.

AN ACT authorizing the city of Lockport to raise money, by the issuance and sale of city bonds, for the purpose of altering, repairing and enlarging certain culverts, and providing for the payment of said bonds with funds raised by taxation.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. For the year nineteen hundred and eleven, the common council of the city of Lockport is hereby authorized to borrow the sum of two thousand dollars, or so much thereof as may be necessary, to defray the expense of the altering, repairing and enlarging certain culverts in the city of Lockport, and to issue bonds for the same. Said bonds shall bear interest at not to exceed the lawful or legal rate per annum, payable annually, and shall not be sold at less than par. Said bonds shall be signed by the mayor and countersigned by the city clerk of said city and be sealed with the city seal, and the principal thereof shall be payable at the office of the city treasurer of said city, or at such other place as the common council thereof shall direct. The city

Bond issue authorized.

Bonds, interest, etc.

Award. treasurer shall invite sealed proposals for said bonds by public advertisement for not less than five days, and shall award the same to the highest bidder or bidders therefor, but no bonds authorized by this act shall be sold for less than par value of the same. Said proposals shall be publicly opened by the city treasurer, in the presence of the committee on finance of the common council, or such of them as shall attend, after one day's personal notice or two days' notice by mail; the time and place of such opening to be given by the city treasurer. One-fourth of the principal of the bonds so issued shall become due and payable one year from the date of the issue, and one-fourth of the principal thereof each and every year thereafter until said bonds be fully paid. The Tax for payment common council of said city is authorized to raise by general tax levy in each and every year, after the passage of this act, the amount of principal and interest of said bonds due in each year. The money received from the sale of said bonds shall be placed by the city treasurer to the credit of the Pine and Cottage streets culverts and shall only be used in the repair, alteration and enlargement of said culverts.

§ 2. This act shall take effect immediately.

Chap. 374.

AN ACT authorizing the city of Lockport to raise money, by the issuance and sale of city bonds, for the purpose of changing its water main over the Erie canal, or the protection of the same during the barge canal improvement, and providing for the payment of said bonds with funds raised by taxation.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bond issue authorized. Section 1. For the year nineteen hundred and eleven, the common council of the city of Lockport is hereby authorized to borrow the additional sum of fifteen thousand dollars, or so much thereof as may be necessary, for the purpose of defraying the expense of the removal of its water main across the Erie canal and the replacing of said main, or the protection of the

same during the barge canal improvements, and to issue bonds for the same. Said bonds shall bear interest at the rate of not to exceed five per centum per annum, payable annually, and shall not be sold at less than par. Said bonds shall be signed by the mayor and countersigned by the city clerk of said city; and be sealed with the city seal, and the principal thereof shall be payable at the office of the city treasurer of said city, or at such other place as the common council thereof shall designate. The city treasurer shall invite sealed proposals for said bonds by public advertisement for not less than five days, and shall award the same to the highest bidder or bidders thereof, but no bonds authorized by this act shall be sold for less than the par value thereof. Said proposals shall be publicly opened by the city treasurer in the presence of the committee on finance of the common council, or such of them as shall attend, after one day's personal notice, or two days' notice by mail; the time and place of such opening to be given by the city treasurer. One-fifth of the principal of said bonds so issued shall become due and payable one year from the date of the issue, and one-fifth of the principal thereof each and every year thereafter until said bonds be fully paid. The common council of said city is authorized to raise by general tax levy in each and every year after the passage of this act the amount of principal and interest of said bonds due in each year. The moneys received from the sale of the bonds shall be placed to the credit of the municipal water supply and shall be used only in connection with the same.

Bonds, interest, etc.

Award.

Tax for payment.

§ 2. This act shall take effect immediately.

Chap. 375.

AN ACT to amend the highway law, in relation to construction of state and county highways of additional width and at an increased cost at the expense of towns.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter thirty-seven[1] of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chap-

§ 133a, added to L. 1909, ch. 30.

[1] Should read "thirty."

ter twenty-five of the consolidated laws," is hereby amended by inserting after section one hundred and thirty-eight a new section, to be section one hundred and thirty-eight-a, to read as follows:

§ 138-a. **State and county highways of additional width and increased cost at expense of town.** Whenever the commission shall have determined upon the construction or improvement of a state highway or section thereof, or shall have approved a resolution adopted by the board of supervisors in any county requesting the construction or improvement of a county highway, or section thereof, and shall have had prepared the preliminary maps, plans and specifications, the commission shall cause notice thereof and of the proposed width and kind of construction of such road to be given the town board of every town into or through which any such highway passes. If it is desired to construct or improve a portion of a state or county highway within any such town at a greater width or in a manner involving greater cost, or both, than that provided in the plans and specifications therefor, the town board may petition the commission for an estimate of the additional cost of constructing or improving the same to a width or in a manner, or both, specified in such petition. The commission shall as soon as practicable make an estimate of such additional cost and send the same to the town board. The town board may thereupon determine, by a resolution duly adopted by a vote of a majority of all the members of such board, that such portion of highway shall be constructed or improved to the additional width or in the manner, or both, specified in its petition, at the expense of the town. If the town board deems that the additional cost as estimated by the commission should be raised by the issue and sale of town bonds, it may present a proposition for the issue and sale of town bonds, in an amount not exceeding the amount specified in such proposition, at an annual or special town meeting, and if such proposition is adopted the bonds of the town may be issued and sold in the manner prescribed in section one hundred and forty-two of this chapter. Upon the adoption of a resolution of the town board to construct or improve such highway to an additional width, or in a manner involving increased cost as aforesaid, or both, without the issue and sale of town bonds, or upon the adoption of a proposition for such issue and sale at a town meeting, the town board shall notify the commission of such action and the commission shall thereupon cause the plans, specifications and estimate for such highway to be modified so as to provide for such

additional construction in the contract. Upon the proper completion thereof, the commission shall certify to the town board of any such town the cost of such additional construction and the town board shall pay the same out of moneys raised by tax, or from the issue and sale of bonds, as above provided.

§ 2. This act shall take effect immediately.

Chap. 376.

AN ACT to amend chapter two hundred and sixty-seven of the laws of eighteen hundred and thirty, entitled "An act to incorporate the Orphan Asylum Society in the village of Utica," in relation to the trustees of Utica Orphan Asylum.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter two hundred and sixty-seven of the laws of eighteen hundred and thirty, entitled "An act to incorporate the Orphan Asylum of the village of Utica," as revived and amended by chapter fifty-five of the laws of eighteen hundred and fifty-six, and amended by chapter two hundred and eighty-six of the laws of eighteen hundred and seventy-one, chapter six hundred and sixty-five of the laws of eighteen hundred and ninety-eight and chapter three hundred and ninety-one of the laws of nineteen hundred and six, constituting the charter of Utica Orphan Asylum, is hereby amended to read as follows:

L. 1830, ch. 267, § 4, as revived and amended by L. 1856, ch. 55, and amended by L. 1871, ch. 286, L. 1898, ch. 665, and L. 1906, ch. 391, amended.

§ 4. Sophia Bagg, Katherine Brayton,[1] Wilhelmina C. Brinckerhoff, Elizabeth H. Calder, Emma D. Churchill, Sarah E. Clarke, Cornelia B. Curran, Charlotte Coventry, May C. Crouse, Sophia M. Doolittle, S. Elizabeth Head, Annette Hunt,[1] Cornelia F. Jackson, Elizabeth W. Kellogg, Emma Kellogg, Julia D. Mann, Cornelia Meecker, Elizabeth S. Pixley, Elizabeth Potter, Daisy S. Roberts,[1] Ella Rockwell, Anna B. Sayre, Louise G. Schantz,[2] and Mary Wynkoop, and such other persons, not exceeding thirty in all, as shall be elected by the persons above named,[3] shall be

Trustees.

[1] New.

[2] "Emma M. Swan" omitted.

[3] Words "and such other persons . . . above named," new.

Vacancies. such trustees and shall constitute such board of trustees. Whenever a vacancy shall occur in said board by death, removal, resignation or otherwise, the vacancy shall be filled by the remaining trustees.

§ 2. This act shall take effect immediately.

Chap. 377.

AN ACT to amend the forest, fish and game law, in relation to the open season and manner of taking certain fish in certain lakes in Schuyler county.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 154a added to L. 1909, ch. 24.

Section 1. Chapter twenty-four of the laws of nineteen hundred and nine, entitled "An act relating to the protection of the forests, fish and game of the state, constituting chapter nineteen of the consolidated laws," is hereby amended by inserting therein a new section, to be section one hundred and fifty-four-a, to read as follows:

§ 154-a. **Schuyler county; certain waters.** The open season for carp, suckers, eels and bullheads in the waters of Lake Lamoka, commonly called Mud lake, and Lake Waneta, sometimes called Little lake, in Schuyler county, shall be from May first to September thirtieth, both inclusive. Such fish may be taken during the open season by spearing.

§ 2. This act shall take effect immediately.

Chap. 378.

AN ACT to amend the forest, fish and game law, in relation to spearing suckers in certain waters of Schuyler and Chemung counties.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty-four of the laws of nineteen hundred and nine, entitled "An act relating to the protection of the forests, fish and game of the state, constituting chapter nineteen of the consolidated laws," is hereby amended by inserting therein a new section, to be section one hundred and fifty-four-b,[1] to read as follows: § 154b added to L. 1909, ch. 24.

§ 154-b. **Schuyler and Chemung counties; spearing suckers in certain waters.** Suckers may be taken by spearing in the inlets to Seneca lake, commonly known as Glen creek and Catharine creek, and its tributaries, in the towns of Dix and Montour in Schuyler county, and in the town of Veteran in Chemung county as far south as Allen's mill dam, in the village of Millport, from April fifteenth to June fifteenth, both inclusive.

§ 2. This act shall take effect immediately.

Chap. 379.

AN ACT to amend chapter one hundred and eighty-two of the laws of nineteen hundred and seven, entitled "An act to establish a permanent firemen pension fund for the city of Schenectady, New York," in relation to payment of pension to widows, orphans or sisters, and others, an amount payable annually to disabled members of fire force.

Became a law June 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter one hundred and eighty-two of the laws of nineteen hundred and seven, entitled "An act to L. 1907, ch. 182, § 3 amended.

[1] Another § 154b is added by L. 1911, ch. 589, post.

establish a permanent firemen pension fund for the city of Schenectady, New York," is hereby amended to read as follows:

Power of trustees to retire members of fire force and to pension.

§ 3. The board of trustees shall have power, in their discretion, to retire and dismiss from membership in said fire force, and thereupon grant pensions as hereinafter provided, to any member of the fire force of said city who shall have become disabled, mentally or physically, to widows, orphans or sisters of such members, to be paid from the fire pension fund by the board of trustees thereof, as follows:

Pensions to widows, children, sisters or other beneficiaries.

1. To the widow of any member of the fire force who shall have died in the actual performance of duty, or shall have died from the effects of any injury received while in the actual performance of such duty, or shall have died from the effects of any sickness contracted while in the actual performance of such duty,[1] the sum of five hundred dollars absolute, provided said widow shall have, at the time of such death, been living with such member, but if there be no such widow or they shall not then have been living together and there be a child or children under eighteen years of age, then to said child or children of such member in such proportions and in such manner as the board may direct, and if there be no such child or children and said member shall have been living with a sister at the time of his decease, then said sum shall be payable to such sister, and if there be no such sister then the said benefit sum of five hundred dollars[2] shall be paid to such other beneficiary, executors or administrators as the board may direct.

Pensions to members disabled by reason of performance of duty.

2. To any member of such fire force who whilst in the actual performance of duty and by reason of the performance of such duty and without fault or misconduct on his part, shall have become permanently disabled, physically or mentally, so as to be unfitted to perform but a part of fire duty and so unable to earn his full salary, one-half of the salary of such member[3] shall be paid to him annually during his lifetime.

Retirement of and pension to member disabled after twenty years' service.

3. The board of trustees may release and dismiss from the force and service any member of the fire force upon a certificate of the city physician or a licensed physician selected by the mayor, comptroller and commissioner of public safety, showing that such member, of whatever age, who has served twenty years as a permanent fireman, is permanently disabled, physically or mentally,

[1] Words "or shall have died from the effects of any sickness contracted while in the actual performance of such duty," new.

[2] Words "shall lapse" omitted. Remainder of sentence new.

[3] Provision fixing amount at not to exceed $600 nor less than $300, omitted.

so as to be unfit for duty and place upon the roll of the fire pension fund and award and grant to be paid to such member, from said fire pension fund, an annual pension during his lifetime, of not less than one-half of the full salary or compensation of such member so retired.[3] Pensions granted under this section shall be for the natural life of pensioner and shall not be revoked, repealed or dismissed.

Power of trustees to stop pension.

4. The board of trustees may, in their discretion, order any pension granted, or any part thereof to cease, except in the case of members of the fire force retired after twenty years, as provided in the last preceding section, but in all cases the said board of trustees shall file a written statement of the causes which determined them in ordering any pension to so cease, and nothing herein contained shall render the granting or payment of such pensions obligatory to the commissioner of public safety or upon the trustees of the firemen pension fund or chargeable as a matter of right upon said permanent firemen pension fund, except as provided in the last preceding section.

Members to be retired only on physician's certificate.

5. No member of the fire force shall be awarded, granted or paid a pension on account of physical or mental disability or disease unless upon the certificate of a licensed physician selected by the mayor, comptroller and commissioner of public safety, or the city physician, which shall set forth the cause, nature and extent of the disability, disease or injury of the member of the fire force who may be placed upon the pension-roll, and said certificate shall state distinctly whether or not such disability, disease or injury was incurred or sustained by said member of the fire force in the performance of fire duty, and such certificate shall, in each case, be filed with and entered upon the records in the office of the commissioner of public safety. All or any sums of money in trust with the comptroller of the city of Schenectady, known as the permanent firemen relief or pension fund, that has been obtained by public subscriptions, entertainments and voluntary assessments shall within thirty days after the passage and approval of this act revert to and shall be a part of and applied to in each and every case as contained in the provision of this act.

Application of certain moneys.

§ 2. This act shall take effect immediately.

[3] Provisions fixing amount at not to exceed $600 nor less than $300, omitted.

Chap. 380.

AN ACT relating to public records and historical documents, creating the office of supervisor of public records and transferring said office and the office of state historian to the education department.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. **Office of supervisor of public records created.** The office of supervisor of public records is hereby created. Within ten days after this act takes effect, the governor shall appoint a person to fill such office.

§ 2. **Duties.** The supervisor of public records shall examine into the condition of the records, books, pamphlets, documents, manuscripts, archives, maps and papers kept, filed or recorded, or hereafter to be kept, filed or recorded in the several public offices of the counties, cities, towns, villages or other political divisions of the state, and all other public records, books, pamphlets, documents, manuscripts, archives, maps and papers heretofore or hereafter required by law to be kept by any public body, board, institution or society, created under any law of the state in said counties, cities, towns, villages or other political divisions of the state, except where the same conflicts with the present duties and office of the commissioner of records in the county of Kings and the commissioner of records in the county of New York.

§ 3. **Division of public records and division of history in the education department.** 1. On the first day of October, nineteen hundred and eleven, the regents shall organize in the education department a division of public records and also a division of history. The supervisor of public records shall become the chief of the division of public records and the state historian shall become the chief of the division of history. The clerks and employees in such offices shall become clerks and employees in their respective divisions in the education department. Such divisions and the employees thereof shall be subject to the same provisions of law and rules as the other divisions and employees of the education department. 2. All books, pamphlets, papers, records, correspondence, letters, files, archives, maps, manuscripts and other docu-

ments and property belonging to or pertaining to the office of the state historian or the office of the supervisor of public records shall on the first day of October, nineteen hundred and eleven, be transferred to the education department.

§ 4. **Functions of the division of history.** It shall be the function of the division of history, subject to the regulations of the regents, to collect, collate, compile, edit and prepare for publication all official records, memoranda and data relative to the colonial wars, war of the revolution, war of eighteen hundred and twelve, Mexican war and war of the rebellion, together with all official records, memoranda and statistics affecting the relations between this commonwealth and foreign powers, between this state and other states and between this state and the United States.

§ 5. **Powers of regents.** 1. The education department, pursuant to the education law, shall, on and after October first, nineteen hundred and eleven, have general and exclusive supervision, care, custody, and control of all public records, books, pamphlets, documents, manuscripts, archives, maps and papers of any public office, body, board, institution or society now extinct, or hereafter becoming extinct, the supervision, care, custody and control of which are not already or shall not hereafter be otherwise provided for by law. 2. Such department shall take such action as may be necessary to put the records hereinabove specified, except as aforesaid, in the custody and condition contemplated by the various laws relating thereto and shall provide for their restoration and preservation, and cause copies thereof to be made whenever by reason of age, use, exposure or any casualty, such copies shall in their judgment be necessary. Whenever such a copy is made, and after it has been compared with the original, it shall be certified by the official, person, board or officer having the legal custody and control of said original, and shall thereafter be considered and accepted as evidence and, for all other purposes, the same as the original could be; provided that the original shall be thereafter cared for and preserved, the same as if no such copy had been made, for such examination as may be directed by an order of court in any action or proceeding in which the accuracy of the copy is questioned. 3. The officers of any county, city, town or village or other political division of the state or of any institution or society created under any law of the state may transfer to the regents records, books, pamphlets, manuscripts, archives, maps, papers and other documents which are not in general use, and it shall be the duty of the

regents to receive the same and to provide for their custody and preservation. It shall also be unlawful for an officer of such political division, institution or society to destroy any such records, books, pamphlets, manuscripts, archives, maps, papers or other documents.

§ 6. **Expenditure of unappropriated moneys.** All money heretofore appropriated and unexpended on the first day of October, nineteen hundred and eleven, for the salaries and expenses of the state historian and the supervisor of public records, for the salaries of the clerks and employees in such offices and for the expenses incurred or to be incurred in the performance of their official duties and the maintenance of their offices shall be expended under the direction of the board of regents and the commissioner of education in the same manner as other like expenditures for the education department.

§ 7. **Repeal.** All acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

§ 8. This act shall take effect immediately.

Chap. 381.

AN ACT to amend the military law, in relation to armories.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 41, § 184 amended.

Section 1. Section one hundred and eighty-four of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

§ 184. **New sites for armories in the city of New York.** The armory board mentioned in the last preceding section is authorized and empowered, subject to the approval of the commissioners of the sinking fund of the city, to select, locate and lay out such and so many sites for armories within such city as such board and the commissioners of the sinking fund shall, from time to time, deem necessary to be acquired. No site shall be located in any park or public place or on land now occupied by a reservoir; [1]provided, that this prohibition shall not apply to the

[1] Remainder of sentence new.

location of sites for the naval militia. When the armory board shall have selected a site, it shall cause a survey, map or plan thereof to be prepared, and shall submit the same with such other information as it may deem necessary, to the commissioners of the sinking fund for their approval or disapproval. If the commissioners of the sinking fund shall approve of such site and consent to the acquisition thereof for the purpose of an armory, such approval and consent shall be indorsed upon or attached to such survey, map or plan, and shall be signed by not less than a majority of such commissioners, of whom the comptroller must be one. Such survey, map or plan, with such approval and consent indorsed upon or attached to it, shall be filed in the office in which conveyances of real estate are required to be recorded in the county in which such armory site is located and a true copy thereof certified to by the chairman of the armory board and the president of the board of aldermen, shall be filed in the office of the armory board. The survey, map or plan provided for in this section shall be made by the comptroller of the city of New York, upon the requisition of the armory board, and the expense thereof shall be charged against and paid out of any appropriation made for the finance department in the discretion of the comptroller.

Whenever and as often as any site, so as aforesaid selected by said armory board, shall have been approved by the commissioners of the sinking fund and duly certified as hereinbefore provided, and the survey, map or plan certified, the said armory board may, with the approval of the board of estimate and apportionment, purchase said site, or by the corporation counsel of said city make application to a special term of the supreme court in either the first or second department for the appointment of three discreet and disinterested persons being residents of the city of New York, as commissioners of estimate, whose duty it shall be to make a just and equitable estimate of the loss and damage to the respective owners, lessees, parties and persons respectively entitled to or interested in the said lands, tenements, hereditaments and premises, and to make report thereof to the said supreme court with due diligence. Except as herein otherwise provided the proceedings to acquire such title shall be the same as are prescribed for the acquisition of lands and interests therein for public purposes by section twenty-one of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, known as the Greater New York charter, and with like effect, but where

commissioners of appraisal have been appointed by the supreme court prior to the time of the taking effect of this chapter, the proceedings in which such appointments have been made shall be conducted in all respects as if this chapter had not been passed. The counsel of the corporation of the city of New York shall act as attorney for the armory board in such proceedings. The title to any property acquired in any such proceedings shall be vested in the city of New York.

The damages and expenses incurred in the proceedings for the acquisition of the title to any such site shall be met and paid by the city of New York, under or pursuant to the provisions of the last preceding section.

The method prescribed in this section for the acquisition of sites for armories in the city of New York shall not be deemed to be exclusive of the method prescribed by the last preceding section.

§ 2. This act shall take effect immediately.

Chap. 382.

AN ACT to amend the banking law, in relation to the lien of safe deposit companies on packages left in vaults.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 305 added to L. 1909, ch. 10.

Section 1. Chapter ten, article nine, of the laws of nineteen hundred and nine, entitled "An act in relation to banks, individual bankers and corporations under the supervision of the banking department, constituting chapter two of the consolidated laws," is hereby amended by inserting after section three hundred and four of article nine, a new section, to be known as section three hundred and five thereof and to read as follows:

§ 305. **Lien of safe deposit companies on packages left for safekeeping or storage in vaults, for which receipts are issued.** Whenever any corporation referred to in this article shall take and receive upon deposit, as bailee, for safe keeping and storage, jewelry, plate, money, specie, bullion or other valuable personal property, and shall issue a receipt therefor, such corporation shall as to such

property be deemed a warehouseman, and all existing statutes and laws affecting warehousemen, shall apply to such deposits, and such corporation shall have a lien on such deposits or the proceeds thereof in the same manner and with the same effect, and the same shall be enforced in the same manner, as now provided by law[1] with reference to "warehousemen."

§ 2. This act shall take effect immediately.

Chap. 383.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," in relation to local improvements.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of title eleven of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," as amended and re-enacted by chapter five hundred and seventy-five of the laws of nineteen hundred and five, is hereby amended to read as follows:

L. 1892, ch. 671, tit. 11, § 8, as amended by L. 1905, ch. 575, amended.

§ 8. Subject to the restrictions in this title contained, the common council shall have power to cause any street, alley, lane, highway or public ground, or any part or parts thereof in said city to be paved, repaved, graded or regraded, and if necessary, to be properly graded for the purpose of paving or repaving the same, and to construct all necessary curbstones for the purpose of such paving and repaving, when and wherever the public convenience, in its judgment, requires the same. The expense of the construction of the curbstone shall be paid by the abutting property owners, and shall be levied and assessed against such abutting property. The expense of all such paving, repaving, grading and paving, grading or regrading of public grounds shall be paid by special

Paving and grading of streets.

Expense, how paid.

[1] See general business law (L. 1909, ch. 25), art. 9.

tax upon the city at large, and collec' d in the manner, as nearly as may be, and with the fees prescribed in this act for the collection of general city taxes. The expense of all such paving, repaving, grading and paving, grading or regrading of streets and other ways and places shall be defrayed by special tax, one-half thereof upon the city at large and one-half thereof upon the real estate adjacent and contiguous to that part of the street or other way paved, repaved, graded and paved, graded or regraded and upon the owners thereof according to benefit received except that the city at large shall be taxed for and shall pay the expense of paving, repaving, grading and paving, grading or regrading the crossings of streets and other ways, and except that every street railway now or hereafter operated in said city shall be taxed for and shall pay the expense of paving, repaving, grading and paving, grading or regrading that portion of every street or other way paved, repaved, graded and paved, graded or regraded, covered by its road, and a space two feet in width outside of and adjoining its track on either side; and no part of the expense of paving, repaving, grading and paving, grading or regrading any street or other way, or part of a street or other way, shall be taxed upon lands not adjacent and contiguous to that part of the street or other way paved, repaved, graded and paved, graded, or regraded, except as herein otherwise provided. [1] Except that when the common council of the city of Cohoes shall have determined to cause any street, portion of street or other way in the city of Cohoes to be paved, repaved, graded or regraded, it may determine by a resolution duly passed by the concurring vote in common council of two-thirds of all the aldermen in office, that the whole of the expense of paving, repaving, grading or regrading of streets and portions of streets and other ways and places in the city of Cohoes shall be defrayed by special tax upon the city at large, except every street railway now or hereafter operated in said city upon said streets, portions of streets or other ways within the city of Cohoes, wherein it shall be determined as herein provided that the whole expense for paving, repaving, grading or regrading streets and portions thereof shall be defrayed by special tax upon the city at large, shall pay the expense of paving, repaving, grading or regrading such street, portion of every such street, or other way covered by its roadbed, and a space two feet in width outside of and adjoining its track on

[1] Following sentence new.

either side in the manner hereinbefore provided. When the common council shall have determined to cause any street or other way to be paved, repaved, graded or regraded, and shall have entered into contract therefor, the assessors, upon being notified by the common council so to do shall forthwith proceed to make a special assessment and certificate, entering therein the names of all owners of land adjacent and contiguous to that part of the street or other way paved, repaved, graded and paved, graded or regraded, and the name of every street railway operated on such street or other way, and designating therein the parcels of such land owned by non-residents, according to their best knowledge and information. They shall make a just and equitable assessment of the proper proportion of the expense of such paving, repaving, grading and paving, grading or regrading against such lands and owners, and against such street railway, if any, operated on such street or other way, assessing upon the several parcels of real estate adjacent and contiguous to that part of the street or other way paved, repaved, graded and paved, graded or regraded, and upon the respective owners thereof, such portion of the whole of said expense to be assessed as shall be proportionate to the benefit received by such real estate, owned by each person, and upon said street railway the portion of said expense hereinbefore mentioned, and shall enter in said certificate a brief but careful description of each parcel assessed and the sum assessed upon it, [2]except where it shall be determined by a concurring vote of the common council of two-thirds of all the aldermen in office, as herein provided, that the whole of the expense of paving, repaving, grading or regrading streets, portions of streets or other ways and places in the city of Cohoes shall be defrayed by special tax upon the city at large, the assessors in the manner herein provided shall assess the expense of said paving, repaving, grading or regrading against the city at large, except the portion of the expense thereof as shall be payable as herein provided by any street railway company. When such certificate is completed, they shall fix the time and place of meeting to correct the same and shall give notice of such meeting, stating where such certificate can, in the meantime, be seen and examined, by publishing such notice, at least once, in the official paper. At the time and place so appointed, said assessors shall meet and hear all persons appearing before them who shall feel that they are ag-

Correction of assessments.

[2] Remainder of sentence new.

grieved by said assessment and, after such hearing, shall make such corrections if any, in such certificate, as will, in their judgment, render such assessment more just and equitable. When such certificate shall thus be corrected, or when the assessors, after such hearing, shall have determined that it needs no correction, they shall deliver the same and a duplicate thereof, both of which shall be signed by a majority, or by all of them, to the common council, within twenty days after their first meeting to make the assessment; but such time may be extended by the common council. Any person conceiving himself aggrieved by said assessment shall have the right to be heard in relation thereto before the common council at its first regular meeting after delivery of the certificate as aforesaid, and at its second regular meeting after such delivery the common council shall either confirm or annul such assessment. If it confirm the same, any person who shall conceive himself aggrieved thereby may appeal to the county judge of Albany county, within the time and in the manner, as nearly as may be, provided by law[3] for appeals from determination of commissioners of highways in laying out roads, but if it annul the same, all proceedings of the assessors in relation thereto shall be void, and new proceedings may be taken in the matter in the manner provided in this section. If the assessors, or any or either of them, be interested in property liable to be affected by such assessment, or be from any cause incapable of acting, the common council may appoint in place of each assessor thus disqualified, a disinterested freeholder of said city, residing therein, to perform the duties of such assessor in making such assessment, and every such freeholder, before entering upon the performance of said duties shall take and subscribe an oath to make the assessment faithfully, honestly and impartially, according to his best judgment. When any such assessment shall be finally confirmed by the common council or other competent tribunal, the duplicate certificates thereof hereinbefore mentioned shall be thereupon filed with the clerk and shall both be deemed originals, to the one of which shall be annexed the warrant for the collection of said taxes, and to the other a copy of said warrant, with a receipt of the chamberlain for such certificate and warrant. The compensation of such freeholders for their services under this section shall be fixed by the common council and by it added to and made a part of said assessment, and the whole amount assessed shall be

Confirmation or annulment of assessment.

Assessors not to be interested in property assessed.

Filing certificate on final confirmation.

Compensation of freeholders acting as assessors.

[3] See highway law (L. 1909, ch. 30), § 199.

collected in the manner and with the fees prescribed in this act for the collection of general city taxes. When the grade of a street or other way has been established by the common council, and the street or other way graded accordingly, the grade thereof shall not be changed, except upon petition of the owners of more than one-half of the lineal feet of real estate adjacent and contiguous to that part of the street or other way to be regraded, and a majority of the owners of such real estate, nor unless compensation be made to persons damaged by the regrading, such compensation to be determined by agreement or by three commissioners to be appointed by the county court of Albany county, or by the supreme court, and who shall take the oath required of commissioners in section six of this title, and view the premises and take all legal evidence. Said commissioners shall make a report of their proceedings to the court by which they were appointed, which may confirm said report, or may set it aside and appoint new commissioners whose award shall, if confirmed by said court, be final. Said court shall have general jurisdiction of the proceedings, and the same shall proceed in accordance with the rules and practice of such court, and when any such award shall be confirmed by the court, the amount thereof shall be a valid liability against such owners of real estate adjacent and contiguous to that part of the street or other way regraded and may be enforced against them in the manner in this section provided for enforcing collection of the expense of paving, repaving, grading and paving, grading or regrading of streets. All grading of streets shall be done by contract to be let as provided in the next section.

How established grade may be changed.

Grading to be done by contract.

§ 2. Section thirty of title eleven of such act, as amended by chapter five hundred and seventy-five of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 30, as amended by L. 1905, ch. 575, amended.

§ 30. All moneys, together with the percentages and interest thereon, collected for work, authorized by this title to be done under contract, the cost of which is to be paid by assessment or apportionment, shall, when received, be paid by the chamberlain into a fund to be known as the "local improvement fund," for the payment, upon maturity, of the bonds in this section hereinafter mentioned. After any such work shall have been ordered by the common council, and the contract or contracts therefor shall have been let and the work thereunder actually commenced, and before any assessment is made therefor, it shall be the duty of the common council to borrow upon the faith and credit of said

Local improvement fund.

Issue of bonds.

city such sum as will be necessary to pay all expenses whatsoever connected with the performance of said work and the final completion thereof, and to issue the bonds of said city therefor, to be known as "local improvement bonds of the city of Cohoes," bearing interest at a rate not exceeding the legal rate[4] per annum, payable semi-annually. Said bonds shall be of the denomination of not less than fifty dollars each, and shall be signed by the mayor of the city of Cohoes, and countersigned by the chamberlain and city clerk, and the seal of said city shall be affixed to each of said bonds by the said clerk. Said bonds shall be registered in the office of the chamberlain of said city and shall be payable at such places as shall be designated by the common council of said city. Said bonds shall be negotiated, by the chamberlain of said city selling the same at his office to the highest bidder, at public auction, at not less than par value thereof. Said chamberlain shall give public notice of the time and place of any sale of such bonds, by public auction, by publishing a notice thereof, twice each week, for two successive weeks, immediately preceding each sale, in such newspapers as shall be designated by the common council. The chamberlain of said city is hereby authorized to make advances for the necessary expenses connected with any such improvement, or for payments under said contract or contracts, to the said contractor or contractors, for any of the improvements under this title, from any of the funds of the city in his possession prior to the issuing of the bonds herein authorized, to be reimbursed from the proceeds of any subsequent sale of said bonds. The principal of such of said bonds as shall be equal in amount to the amount of which the city of Cohoes at large shall pay towards making such improvement, expenses and costs shall be made payable in not more than five years from their respective dates of issue; and, of any issue of bonds, the common council shall so fix and adjust the denomination of said bonds and their date of maturing that an equal portion, as near as may be, of the total amount thereof shall be payable each year after the date of such issue, until the last maturing shall be payable; and it shall be the duty of the common council to cause to be raised yearly, in each fiscal year, by taxation upon the taxable property in said city, in the same manner as other taxes are levied, and in addition thereto, a sum sufficient to pay the interest upon said bonds when and as the same shall become due and

Bonds, denomination, execution, etc.

Sale.

Advances for expenses prior to issue of bonds.

Term and maturity of bonds.

Tax for payment.

[4] Words "the legal rate" substituted for words "four per centum."

payable, and also to raise by taxation in the manner aforesaid the moneys necessary to pay the principal of said bonds as the same shall become due. The principal of the remainder of said bonds shall be made payable one year after date and shall be retired by paying the proceeds of the assessments then collected for such improvement, so far as the same may be applicable thereto, and the common council is authorized to issue and sell new bonds for the balance in the manner provided herein for the issue and sale of bonds, and which new bonds shall be made payable at such time and times, not to exceed four years from their respective date of issue, and in such an amount yearly as may be fixed and determined by the common council. If by reason of any error it shall appear that the bonds issued under the provisions of this section or the assessments made for any local improvement are not sufficient to pay the entire expense of such local improvement, the assessors of such city upon the demand of the common council shall reassess such proportion of such deficiency as may be deemed proper by said common council, upon the property benefited; and the common council shall issue a bond or bonds in such amount as it may determine necessary, to be paid toward such deficiency for such local improvement. Should it be determined that said bonds are irregular or invalid, for any reason, the common council may issue new and other bonds in their place and stead for such sum or sums as it may deem proper.

Issue and sale of new bonds

Reassessments to pay deficiencies.

Issue of new for invalid bonds.

§ 3. This act shall take effect immediately.

Chap. 384.

AN ACT to amend chapter seven hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act constituting the charter of the city of Rochester," generally.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections sixty-four, one hundred and nineteen, four hundred and forty-four, four hundred and forty-six and six hundred and thirty-five of chapter seven hundred and fifty-five of

L. 1907, ch. 755, §§ 64, 119, 444, 446; and

§ 635, as amended by L. 1919, ch. 250, amended.

the laws of nineteen hundred and seven, entitled "An act constituting the charter of the city of Rochester," the last of which said sections having been amended by chapter two hundred and fifty of the laws of nineteen hundred and ten, are hereby amended so as to read as follows, respectively:

§ 64. **Emergency fund.** The board of estimate and apportionment may create in any department, bureau, board, court or office for which moneys are appropriated in the annual estimate, from the moneys so appropriated, an emergency fund not exceeding the sum of one thousand dollars,[1] which sum may be expended by the board or officer empowered to authorize expenditures, subject to such rules and regulations therefor as the board of estimate and apportionment may make; and claims must thereafter be presented for the moneys so expended, and audited in the same manner as other claims, and when so audited the moneys must be repaid into said fund; provided, however, that the balance therein at the end of the year must be applied as are other unexpended balances of the department, bureau, board, court or office.

§ 119.[2] **Confirmation of local assessment-rolls.** When a local assessment-roll is delivered to the city clerk, he must report it to the common council at its next meeting, and in case the common council at such meeting or within two months following such meeting, does not either confirm the assessment-roll or set it aside and order a new assessment by the assessors, the assessment-roll shall be deemed to be and shall become confirmed by the common council at the expiration of such two months. After the roll is confirmed it must be delivered by the city clerk to the city treasurer.

§ 444.[2] **Confirmation of report.** Upon receiving the report, the common council must assign a time for hearing objections to the confirmation thereof, and at the time assigned must hear the allegations of all persons interested who appear, and may take proof in relation thereto from time to time, and may confirm, disapprove or reject the report, and in case the report is rejected, the proceedings shall thereupon be abandoned and discontinued. A copy of the ordinance of the common council acting upon such report must be recorded in the office of the clerk of the county in which the real estate, rights or easements sought to be taken are situate. The rejection of the report is a bar for one year after the

[1] Formerly $500.
[2] Section materially amended.

action of the common council but not thereafter, to the commencement by the city of a condemnation proceeding for the acquisition of the same lands, rights or easements.

§ 446. **Appeal from award.** Any person aggrieved by the report or award of the commissioners may within thirty days after the confirmation by the common council, appeal therefrom to the appellate division of the supreme court, and must file in the county clerk's office, with the notice of appeal, a bond executed by two or more sureties, approved by a judge of the supreme court or the county judge of Monroe county, in the penal sum of one thousand dollars, conditioned for the diligent prosecution of the appeal and for the payment of all costs and charges which may be awarded against the appellant. [3] The city within thirty days after the disapproval of the report by the common council may appeal therefrom to the appellate division of the supreme court. All the pertinent provisions of the code of civil procedure relating to an appeal from an order, apply to an appeal taken as herein provided.

§ 635. **Certain acts not to apply.** The provisions of article five relating to pawnbrokers, article six relating to junk dealers, and article eleven[4] relating to employment agencies, of chapter twenty-five of the laws of nineteen hundred and nine, known as the general business law; the provisions of article five relating to bridges, of chapter twenty-six of the laws of nineteen hundred and nine, known as the general city law; the provisions of article two relating to general municipal finances, except the last sentence of section eight thereof;[5] the provisions of sections seventy, seventy-two, seventy-three, seventy-four, eighty, eighty-one, eighty-two, eighty-three and eighty-five of article five, relating to powers, limitations and liabilities, and the provisions of article nine relating to regulation of use of bicycles and similar vehicles, of chapter twenty-nine of the laws of nineteen hundred and nine, known as the general municipal law; the provisions of chapter four hundred and forty-eight of the laws of eighteen hundred and ninety-six relating to licensing of dogs; the provisions of chapter ninety-nine of the laws of nineteen hundred and nine, known as the tenement-house act; and all acts amendatory thereof and supplementary thereto, heretofore or hereafter enacted,[6] do not

[3] Following sentence new.
[4] Formerly "seven."
[5] Words "except the last sentence of section eight thereof," new.
[6] Words "heretofore or hereafter enacted," new.

apply to the city of Rochester, which is governed, controlled and regulated in respect to said several matters by the provisions of its charter, chapter seven hundred and fifty-five of the laws of nineteen hundred and seven, and the amendments thereto now or hereafter enacted.

§ 2. This act shall take effect immediately.

Chap. 385.

AN ACT to amend chapter seventy-five of the laws of nineteen hundred and six, entitled "An act to supplement the provisions of law relative to the department of assessment and taxation of the city of Syracuse," generally.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1906, ch. 75, § 22 amended.

Section 1. Section twenty-two of chapter seventy-five of the laws of nineteen hundred and six, entitled "An act to supplement the provisions of law relative to the department of assessment and taxation of the city of Syracuse," is hereby amended to read as follows:

Publication of notice of tax sale.

§ 22. The said treasurer shall, immediately after the expiration of such six months, cause to be published twice in each week for three weeks in the official papers of the city, a list, or statement of the real estate charged with the payment of such taxes and assessments, with accrued fees, interest and expenses, liable to be sold and also a notice that the said real estate will, on a day subsequent to the expiration of such three weeks to be specified in such notice, and the succeeding days, be sold at public auction at the city hall in the city of Syracuse to pay the taxes, interest, fees, expenses and charges thereon which may remain unpaid at the time of such sale. The expense of publishing such list and notices shall not exceed the sum of one dollar to each newspaper for each parcel of land so advertised. Proof of the due publication of such list and notice in each newspaper shall, within twenty days after the last publication thereof, be made, filed and recorded in the office of the county clerk of Onondaga county, who shall cause the same to be properly indexed. The expense of publish-

ing said list and statement and the fees of the county clerk for filing, recording and indexing the proof of publication thereof shall be added to and included in the other expenses chargeable to the several parcels of real estate to be sold. No error or imperfection in any list made up or published shall render any sale void or in any manner affect its validity. On the day of sale named in said notice the said treasurer shall commence the sale of said real estate and shall continue such sale from day to day until the whole thereof shall be sold. It shall be the duty of the treasurer to bid in for the city all parcels of real estate at such sale which shall not be purchased by any other person at a rate sufficient to pay the taxes for which the land is to be sold with all the accrued interest, additions, charges, fees and expenses. It shall be his duty to bid in for the city all lands which have been bid in for the city at any prior tax sale and which have not been duly redeemed or the certificates of sale for which have not been sold or assigned. The treasurer shall make certificates of sale for all lands so bid in by him for the city, describing the lands purchased and specifying the time when a deed therefor can be obtained. Such purchases shall be subject to the same right of redemption as purchases by individuals; and if the lands so sold shall not be redeemed the treasurer's deed therefor shall have the same effect and become absolute in the same time and on the performance of like conditions as in the case of sales and conveyances to individuals. The treasurer may sell and assign any certificate of sale of lands bid in for the city at any time before the expiration of the period of redemption upon payment to him of the amount named in said certificate, with interest thereon to the date of such payment. If any such tax sale or certificate shall not have been sold or assigned prior to the expiration of the period of redemption, the treasurer, or his successor in office, shall issue to the city of Syracuse a deed or deeds for all of the lands described therein remaining unredeemed, [1]or such treasurer or his successor in office shall institute proceedings in the name of the city of Syracuse to foreclose the lien of said taxes upon said real estate pursuant to the provisions of section forty-four of this act. The lands heretofore[2] acquired by tax sale and lands acquired pursuant to this act by the city of Syracuse[3] may be disposed of by said city

Conduct of sale.

Treasurer to bid in certain parcels for city.

Duties relative to lands so purchased.

Disposition of such lands.

[1] Remainder of sentence new.
[2] Word "heretofore" substituted for word "thus."
[3] Words "by tax sale and lands acquired pursuant to this act by the city of Syracuse," new.

in its name by such officer and upon such terms, by private or public sale thereof,[4] as shall be determined by ordinance of the common council approved by the board of estimate and apportionment.

§ 24 amended.

§ 2. Section twenty-four of said act is hereby amended to read as follows:

Redemption of real estate sold at tax sale.

§ 24. The owner, occupant or any other person at any time within two years after the last date of such sale, and the holder of any mortgage on any such real estate, except the holder of a mortgage upon such real estate as has been purchased at a tax sale by the city, which real estate has been resold under a judgment of foreclosure made and entered pursuant to section forty-four of this act,[5] at any time prior to the expiration of one year after the recording of the treasurer's conveyance thereof may redeem the same by paying to said treasurer for the use of the purchaser upon such sale, his heirs and assigns, the sum mentioned in his certificate of sale and the interest thereon at the rate of twelve per centum per annum, to be calculated from the date of such certificate, together with the amount of all taxes and assessments thereon paid by him subsequent to the date of such certificate, and prior to such redemption, a statement of which shall have been filed with the treasurer. The holder of any mortgage on real estate sold for taxes shall have a lien upon the premises redeemed for the amount so paid with interest from the time of payment, in like manner as if it had been included in the mortgage. Any person may redeem a specific part of or interest in any tract, lot, or piece of land so sold by paying such proportion of the purchase money and interest as his part or interest in said land shall bear to the whole quantity sold or taxed. Upon such partial redemption the quantity sold shall be reduced in proportion to the amount paid on such partial redemption and the treasurer shall convey accordingly. When any real estate shall have been redeemed as herein provided the treasurer, or his successor in office, shall issue to the person redeeming the same a certificate of redemption, under his hand and seal, properly acknowledged, which shall contain a description of the tax and the property affected. Such certificate of redemption may be recorded in the same manner as a deed and with like effect, and when so recorded shall operate to render void and of no effect and cancel of record the certificate of sale and conveyance and any and all transfers and conveyances derived from, through or under any purchaser at any such sale.

Lien of mortgagee.

Redemption of specific part or interest.

Certificate of redemption.

[4] Words "by private or public sale thereof," new.

[5] Words "except the holder . . . of this act." new.

§ 3. Said act is hereby amended by inserting therein six new sections, to be known as sections forty-three, forty-four, forty-five, forty-six, forty-seven and forty-eight, and to read as follows: §§ 43-48 added.

§ 43. **Lien of taxes and assessments.** All annual taxes and all local assessments heretofore or hereafter levied by the city of Syracuse, or by its officers, and all water rates heretofore or hereafter charged or assessed by the city of Syracuse or by its officers, together with interest, fees and penalties, are and shall be and remain, until actually paid or satisfied, a lien upon the land, tenements or real estate on which or in respect to which the same have been made, from the time the assessment-roll therefor shall be filed with the city clerk in the case of annual taxes, and from the time of the confirmation by the common council of the rolls containing the same in the case of local assessments, and from the time the same become due in the case of water rates; and are and shall be a lien on the property assessed prior and superior to all other liens and incumbrances. In case an annual tax or local assessment is levied upon a parcel of land and two or more persons are or become the owners thereof, or it is situate in more than one ward, the common council may apportion such tax or assessment upon such parcel of land in such manner as the assessors may certify to be just and thereupon each portion of such tax or assessment becomes a separate lien upon the respective parts of such parcel of land and in the respective amounts designated by the common council.

§ 44. **Foreclosure of tax lien.** When taxes, upon real estate which has been purchased for the city at public auction for the nonpayment of taxes pursuant to section twenty-two of this act, and the certificate of sale has not been sold or assigned by the city, shall remain unpaid for the period of two years from the date of said sale, the liens created by said taxes, together with interest, fees and penalties thereon to the date of judgment at the rates provided in this act may be foreclosed by an action in a court of record in the name of the city by the corporation counsel, in the same manner as is provided for the foreclosure of mortgages, and the provisions of the code of civil procedure, and of the rules of practice and the law and practice of this state relating to the foreclosure of mortgages, and the provisions of the code of civil procedure relating to the service of process, the commencement and conduct of actions, the jurisdiction, procedure and practice of courts and award of costs, apply to said actions for the foreclosure of tax liens. A conveyance upon a

sale made pursuant to a final judgment in an action to foreclose the lien of a tax vests in the purchaser all the right, title and interest and equity of redemption in and to said premises so sold of all the parties to said action and of all parties claiming under them, or any of them, whose conveyance or incumbrance is executed or recorded subsequent to the filing of the notice of pendency of action. Separate taxes against the same lot or parcel of land may be foreclosed in one action, and where several lots or parcels of land are owned by the same person or persons, corporation or corporations, separate tax liens upon the separate lots and parcels of land so owned may, at the option of the corporation counsel, be foreclosed in one action. All annual taxes, local assessments and water rates due the city of Syracuse, and which are a lien upon the lands sold, shall be satisfied from the proceeds of the sale of said lands as far as possible, and judgment for the deficiency, if any, of all annual taxes, local assessments and water rates due the city of Syracuse, and which are a lien upon the lands sold at the time of such sale, must be granted against any defendant or defendants in said actions personally liable therefor; and the final judgments in such actions may direct the cancellation or satisfaction of record of any lien or liens of any party or parties to the action. The corporation counsel may bid for and purchase in the name of the city, upon sales under judgments in actions to foreclose tax liens.

§ 45. **Notice of foreclosure.** Before the city proceeds to foreclose the lien of a tax pursuant to the provisions of the preceding section, the corporation counsel may give notice to the respective owners or mortgagees of the premises taxed that he intends to commence an action to foreclose the lien of such tax, unless the respective tax is paid within two weeks from the date of the service of said notice; and the fees for serving such notices, not exceeding one dollar for each person served, must be added to and collected as a part of said taxes. Such notice may be served upon the owner of the lands taxed, if he live in Syracuse, personally, or by leaving at his residence; if he does not live in Syracuse, personally, or by mailing the same to him in a securely closed and post-paid envelope directed to him at his last known place of residence; if he is unknown, or if his place of residence can not be ascertained, by leaving the same with any occupant of the premises, and if the premises be unoccupied, by posting the same in a conspicuous place thereon. The service of such notice is not a condition precedent to the right to maintain

the foreclosure action hereinbefore provided for, and the failure to serve the same is not a defense to such action.

§ 46. **Actions and proceedings to collect taxes upon real estate.** The corporation counsel may also collect taxes upon real estate, including all fees, penalties and interest lawfully added thereto, in whole or in part unpaid, by supplementary proceedings, or by actions against the persons or corporations personally liable therefor, as herein provided for the collection of taxes upon personal property.

§ 47. **Other remedies to collect taxes not affected.** The actions to enforce personal liability, the supplementary proceedings and the foreclosure actions herein provided for, are in addition to the other methods provided by law for the collection of taxes.

City to be represented at judicial settlement of estate of delinquent.

§ 48. No decree of judicial settlement shall be made by the surrogate's court of Onondaga county, without an affidavit that no annual taxes, local assessments or water rates are due or owing the city of Syracuse from the deceased person, his representative or estate, unless the city of Syracuse has appeared by its corporation counsel in such proceeding for judicial settlement; and in proper cases it is the duty of said surrogate's court to direct that the city of Syracuse be made a party to any proceeding for judicial settlement.

§§ 43, 44 renumbered §§ 49, 50.

§ 4. Sections forty-three and forty-four of said chapter are hereby renumbered to read sections forty-nine and fifty respectively.

§ 5. This act shall take effect immediately.

Chap. 386.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," in relation to examinations and grade certificates for assistant teachers.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 343a added to L. 1891, ch. 105.

Section 1. Chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of

the city of Buffalo," is hereby amended by adding thereto, after section three hundred and forty-three thereof, a new section, to be section three hundred and forty-three-a, to read as follows:

§ 343-a. Any candidate for an assistant teacher's grade certificate, who in any one examination attains the required percentage in every subject included in the examination except one, may, after applying to the secretary for admission to the next succeeding examination for candidates for an assistant teacher's grade certificate, try the examination in the one subject in which he or she had previously failed; and upon attaining the necessary percentage in said subject, such candidate shall be rated on the same basis as other candidates successful in that examination, and the name of such candidate shall be included in the list of teachers eligible to appointment in the grade of assistant teacher.

§ 2. This act shall take effect immediately.

Chap. 387.

AN ACT to authorize school district number four of the town of Ashford, Cattaraugus county, to acquire for school purposes certain lands therein heretofore used for cemetery purposes.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Further interment prohibited.

Section 1. The further interment of bodies in the old cemetery in school district number four of the town of Ashford, Cattaraugus county, adjoining the school grounds therein, being the premises conveyed on the twenty-fifth day of October, eighteen hundred and sixty-nine, by James L. West and Christina his wife to Hudson Wait, William H. Goodemate and George N. West, as trustees of the West Valley Cemetery Society, which deed is recorded in the county clerk's office of Cattaraugus county in liber seventy-seven of deeds, at page four hundred and thirty-one, is hereby prohibited.

Acquisition by school

§ 2. The trustees of school district number four of the town of Ashford, Cattaraugus county, are hereby authorized to acquire,

in the manner provided by the education law, by gift, grant or condemnation the premises described in section one of this act. The surviving trustees or trustee of the West Valley Cemetery Society is hereby authorized to execute a deed in behalf of such society to such school district, but such deed shall not convey any interest in the lands of such cemetery heretofore conveyed by such trustees to lot owners therein. District authorized.

§ 3. After the acquisition of such premises in the manner provided in this act, the board of trustees of such school district shall, at the expense of the district in the first instance, proceed to exhume and remove the human remains interred in such old cemetery, together with all monuments, slabs, stones and other marks of burial places, and shall reinter such remains in some suitable place to be acquired by such school district for that purpose in a cemetery situated in the town of Ashford. Such remains shall be separately reinterred and all monuments, stones, slabs and other marks designating places of burial shall be reset in proper place so as to preserve the identity of the respective remains. If there be no monument or mark at the place from which such remains shall be so removed, such trustees shall make a plot or diagram of such old cemetery and shall provide suitable markers with numbers thereon, shall set a marker at the place of reinterment of each body and shall enter the number of such marker upon the plot of such old cemetery at the place from which such remains were removed. Such plot or diagram shall be filed in the office of the town clerk of the town of Ashford. If the interest or title of a lot owner is acquired by purchase, the expense of such removal and reinterment from the lot in question shall be either deducted from the purchase price or taken into consideration for fixing the same. If the title or interest of a lot owner is acquired by condemnation, the expense of such removal and reinterment from the lot in question shall be deducted from the amount of the award before the same is paid to such lot owner. Removal of remains and monuments. Reinterment. Resetting of monuments. Markers to be placed when no monument. Deduction of expense of reinterment from purchase price.

§ 4. This act shall take effect immediately.

Chap. 388.

AN ACT to amend the tenement-house law, in relation to public halls and application of said law.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 99, § 76 amended.

Section 1. Section seventy-six of chapter ninety-nine of the laws of nineteen hundred and nine, entitled "An act in relation to tenement-houses, constituting chapter sixty-one of the consolidated laws," is hereby amended to read as follows:

§ 76. **Public halls.** In every tenement-house a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor, above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of the said house from sunset until ten o'clock in the evening. [1] This section shall also apply to cities of the second class.

§ 170 amended.

§ 2. Section one hundred and seventy of such chapter is hereby amended to read as follows:

§ 170. **Application.** This chapter shall apply to cities of the first class [2]only, except as provided in section seventy-six of this chapter.

§ 3. This act shall take effect immediately.

[1] Following sentence new.
[2] Remainder of sentence new.

Chap. 389.

AN ACT to amend chapter thirty-six of the laws of eighteen hundred and ninety-four, entitled "An act supplementary to and amendatory of chapter four hundred and seventy-nine of the laws of eighteen hundred and ninety-two, entitled 'An act to supply the city of Auburn with water,'" in relation to appointees of the water board of said city and their compensation.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of chapter thirty-six of the laws of eighteen hundred and ninety-four, entitled "An act supplementary to and amendatory of chapter four hundred and seventy-nine of the laws of eighteen hundred and ninety-two, entitled 'An act to supply the city of Auburn with water,'" is hereby amended to read as follows:[1] L. 1894, ch. 36, § 6 amended.

§ 6. The said water board shall appoint a chief engineer who shall also be the superintendent of the water works. He shall be a civil engineer of at least five years' practical experience in his profession, and shall hold office at the pleasure of the board. Such appointee shall be paid an annual salary to be fixed by the commissioners before his appointment, but which shall not exceed three thousand dollars; such salary shall be payable in such installments and at such times as said board shall direct. The said water board may, at its discretion, appoint a clerk whose annual salary shall not exceed twelve hundred dollars, payable in such installments and at such times as said board shall direct. Before entering upon the duties of their office, said appointees shall give bonds in such amount as the commissioners shall determine, with sureties approved by the mayor. Chief engineer. Salary. Clerk. Salary. Bonds of same.

§ 2. This act shall take effect immediately.

[1] Section materially amended.

Chap. 390.

AN ACT to legalize an issue of one hundred and thirty thousand five hundred dollars of bonds of the city of Geneva, authorized at a special election in said city held October eighteenth, nineteen hundred and ten.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings relative to bond issue legalized.

Section 1. All the acts and proceedings of the city of Geneva had and done by its taxable inhabitants, the board of public works, common council, mayor, city clerk and other officers and agents leading up to and including the authorization of a bond issue of one hundred and thirty thousand five hundred dollars for the construction of a water main, installation of pumps, construction of a reservoir and other improvements to the water supply of said city and the reimbursement of the general fund of said city on account of certain advances made therefrom, as voted for at the special election of the taxpayers of said city held on October eighteenth, nineteen hundred and ten, and in accordance with the resolution of the common council adopted March third, nineteen hundred and eleven, including the sale of fifty thousand dollars of said bonds pursuant to said resolution, are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity or the omission of any lawful requirement, and said bonds when paid for and delivered shall be valid and binding obligations of said city.

Bonds validated.

Pending actions.

§ 2. This act shall not affect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 391.

AN ACT to amend chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to incorporate the city of Geneva," in relation to the police pension fund.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to incorporate the city of Geneva," is hereby amended by adding thereto after title sixteen thereof, as added by chapter three hundred and twenty-three of the laws of nineteen hundred and nine, a new title to be title seventeen thereof, to read as follows: Tit. 17 added to L. 1897, ch. 360.

TITLE XVII.

POLICE PENSION FUND.

§ 163. There shall be a board of trustees of the police pension fund provided for by this title which board shall be composed of the police commissioners, appointed under title nine of the act hereby amended. The said board of trustees shall select one of its number to act as chairman and one of its members to act as secretary. The treasurer of the city shall be the treasurer of said fund and shall pay over and account for all money and property which shall come into his possession as such treasurer. The finance commission provided for by title sixteen of the act hereby amended shall have charge of the investment of said fund, and the treasurer is authorized to make payments from said fund only upon warrants issued by the finance commission. The treasurer shall report in detail to the common council annually at the first meeting thereof held in the month of January, the condition of the police pension fund and the items of receipts and disbursements on account of the same, which report shall show the name and residence of each beneficiary and amount paid to such beneficiary out of said fund. Trustees. Treasurer. Investments; payments. Treasurer's annual report.

Fund and pensions exempt from execution, etc.

§ 164. The moneys, securities and effects of the police pension fund and all pensions granted and payable from said fund shall be and are exempt from execution and from all processes and proceedings to enjoin and recover the same by or on behalf of any creditor or person having or asserting any claim against or debt or liability of any pensioner of said fund.

Civil and criminal liability for making false affidavit concerning pension.

§ 165. Any person who shall knowingly or willfully in any wise procure the making or presentation of any false or fraudulent affidavit or affirmation concerning any claim for pension or payment thereof under the provisions of this act shall in every case forfeit a sum not exceeding two hundred and fifty dollars to be sued for and recovered by and in name of the said board of trustees and when recovered to be paid to and thereupon become a part of the said police pension fund. Any person who shall willfully swear falsely on any oath or affirmation in obtaining or procuring or attempting to procure or obtain any pension or payment thereof under the provisions of this act shall be guilty of perjury.

Pension fund to consist of what.

§ 166. The said police pension fund shall consist of all rewards or gifts that may be paid or given to the police department of said city of Geneva; all money arising from the sale of unclaimed goods remaining for the space of one year in the hands of the chief of police of said city of Geneva; all moneys received from the sale of any condemned, unfit or unserviceable property of said police department, not exceeding the sum of two hundred and fifty dollars for any one article; all fines imposed by the police commission upon members of the police force; all sums recovered from forfeited bail or bail bonds in Geneva city court; all moneys, pay, compensation or salary forfeited, deducted or withheld from members of the police force for or on account of absence for any cause, lost time, sickness or disability, physical or mental; all dog taxes and dog license fees received by the city treasurer pursuant to the ordinances of the city of Geneva, and all fines and penalties collected for violation of such dog ordinances; one-half of all fees received by the city court in civil actions and proceedings; all funds received by the city of Geneva from the county of Ontario for fees for the transportation and care of prisoners in felony cases; one per centum of the city's share of all fees for liquor tax certificates issued in pursuance of the liquor tax law from and after January first, nineteen hundred and twelve; and all such other moneys, receipts and funds

as the common council may by resolution direct to be paid into said fund, all of which said sums shall be deposited with the treasurer to the credit of said pension fund. The police commissioners shall monthly, or as often as the pay rolls for the police department are made up, deduct a sum not to exceed two per centum of the respective salaries paid to the persons who under the provisions of this act may become entitled to share in the police pension fund, and said board shall certify to the common council the amount of such deductions and the names of the persons from whose salaries such deductions are made, and said certificate shall accompany the pay roll, and a warrant for the amount of the deductions so certified shall be drawn payable to the order of the treasurer of the police pension fund, as soon as the same shall have been approved by the board of audit and allowed by the common council. The amount to be so deducted from salaries for payment to the police pension fund shall be determined by the police commission, subject to the approval of the common council, and shall be at the same rate per centum out of the salaries of all persons who under the provisions of the act may become entitled to share in said fund.

Deductions from salaries.

§ 167. Pensions shall be granted only by the unanimous vote of the board of trustees of the police pension fund as follows:

a. To the widow of any member of the police force who shall have been killed while in the actual performance of police duty, or who shall have died from the effects of any injury, received while in the actual discharge of such duty, the sum of not less than one hundred and twenty dollars nor more than two hundred and forty dollars per year, as may be determined by said board of trustees, as long as she remains unmarried, and if there be no widow of such deceased member, then such annual pension shall be paid to the minor child of such deceased member surviving him, if any, so long as such child shall continue under the age of eighteen years, and if there be more than one such child then such pension shall be divided equally between them. In the event of the death of a widow of such deceased member who at the time of her death is receiving a pension under this act, then such annual pension shall be paid to the child or children of such deceased member, if any, so long as such child or children, or the youngest of such children shall continue under the age of eighteen years. No pension shall be paid under this title to any child over eighteen years of age.

Pension to widow or children.

Retirement of and pension to member disabled in performance of duty.

b. The police commissioners shall retire, and the said board of trustees shall grant a pension to any member of the police force, who, while engaged in the actual performance of police duty, and by reason thereof, and without fault or misconduct on his part, shall meet with any accident or sustain any injury of such a nature as to permanently unfit him for the performance of police duty. Such pension shall be granted only upon the affidavit of the surgeon of the police to the effect that such injury exists and is permanent. If, however, the person with reference to whom the affidavit is made is dissatisfied with the conclusions therein set forth, either as to the existence or nonexistence of the injury or disability or the character of the same, he may file a statement to that effect with the police commissioners and thereupon within thirty days after the filing by the surgeon of the police of said affidavit with the police commissioners, and thereupon said trustees shall select two competent physicians and surgeons and the certificates signed by them and verified by their oaths shall be final and conclusive as to the matters in said certificates set forth for a period of one year thereafter, and shall be accepted in lieu of the affidavit of the surgeon of police in so far as it certifies to the existence of an injury or disability of a permanent character. The fee of each physician and surgeon shall be paid by the person examined, which fee shall not exceed the sum of five dollars. The amount of such pension shall be at the rate of not less than one-fourth nor more than one-half of the salary or compensation received by such member at the time of his retirement, provided, however, that if in the judgment of said board of trustees the amount of such fund is sufficient to justify the same, such pension shall be at the rate of one-half such salary or compensation.

Affidavit of surgeon of police.

Amount of pension

Retirement of and pension to member disabled after twenty years' service.

c. The police commissioners shall retire, and the said board of trustees shall grant a pension to any member of the police force, who, after twenty years' service in the police department of the city, and while in the actual performance of police duty, and by reason thereof, and without fault or misconduct on his part, shall contract any disease or become permanently disabled, which disease or disability shall permanently unfit him for the performance of police duty. Such pension shall be granted only upon the affidavit of the surgeon of the police to the effect that such disease or disability exists and is permanent. If, however, the person with reference to whom the affidavit is made is dissatisfied with the conclusions therein set forth, either as to the existence,

Affidavit of surgeon of police.

or nonexistence of the injury or disability, or the character of the same, he may file a statement to that effect with the police commissioners, and thereupon within thirty days after the filing by the surgeon of police of said affidavit with the police commissioners, and thereupon said trustees shall select two competent physicians and surgeons and the certificates signed by them and verified by their oaths shall be final and conclusive as to the matters in said certificates set forth for a period of one year thereafter, and shall be accepted in lieu of the affidavit of the surgeon of police in so far as it certifies to the existence of an injury or disability of a permanent character. The fee of each physician and surgeon shall be paid by the person examined, which fee shall not exceed the sum of five dollars. The amount of such compensation shall be at the rate of not less than one-fourth nor more than one-half of the salary or compensation received by such member at the time of his retirement; provided, however, that if in the judgment of said board of trustees the amount of such fund is sufficient to justify payment of the same, such compensation shall be at the rate of one-half of such salary or compensation.

Amount of pension.

§ 168. It shall be the duty of the police commissioners of the city of Geneva to designate by a certificate in writing filed in the office of the city clerk, a competent physician and surgeon of said city to act as police surgeon to serve at the pleasure of said police commissioners. The police surgeon shall be entitled to a fee of five dollars for each examination made by him under the provisions of this act and such fee shall be paid by the person examined in each case.

Appointment of police surgeon.

Compensation.

§ 169. The trustees of the police pension fund shall keep and preserve record of all their proceedings and on the granting of any pension under the provisions of this act, the said trustees shall certify the same to the finance commission by a certificate in writing in which shall be stated the name of the person to whom such pension is granted, the facts entitling the pensioner to receive the same and the amount thereof, and from time to time as such pension may accrue the finance commission shall issue warrants against the police pension fund for the amount of such pension.

Record of proceedings of trustees.

Certification to finance commission.

Warrants, how issued.

§ 170. Any officer retired under the provisions of this act may be assigned by the police commissioners to perform temporary police duty in case of emergency when the police commissioners are satisfied that such member is able to render temporary service, and while so serving such member shall be entitled to such

Temporary duty by retired officer.

Compensation.

compensation as may be fixed by the police commissioners, not exceeding three dollars a day for services actually rendered, which compensation shall be in addition to his pension, and such pension shall not be affected by such temporary service. All pensions granted hereunder shall be payable monthly.

Pensions payable monthly.

§ 2. This act shall take effect immediately.

Chap. 392.

AN ACT to amend the Greater New York charter, relating to the appointment of a chief medical officer of the fire department.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1897, ch. 378, § 740, as re-enacted by L. 1901, ch. 466, and amended by L. 1904, ch. 683, and L. 1907, ch. 547, amended.

Section 1. Section seven hundred and forty of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, and amended by chapter six hundred and eighty-three of the laws of nineteen hundred and four and chapter five hundred and forty-seven of the laws of nineteen hundred and seven, is hereby amended to read as follows:

GRADES, RANKS AND SALARIES OF OFFICERS AND MEMBERS OF THE UNIFORMED FORCE.

§ 740. The rank and salaries of officers of the fire department shall be as follows:

Chief of department, whose annual salary shall be not more than six thousand dollars; deputy chiefs of department, whose annual salary shall not be more than four thousand two hundred dollars; battalion chiefs, whose annual salary shall be not more than three thousand three hundred dollars; medical officers, whose rank and salary shall be the same as that of battalion chiefs, one of whom shall be appointed chief medical officer, whose annual salary shall be not more than six thousand dollars;[1] captains or foremen of companies, whose annual salary shall be not more than two thousand one hundred and sixty dollars; lieutenants or

[1] Words "one of whom shall be appointed . . . dollars," new.

assistant foremen of companies, whose annual salaries shall be not more than eighteen hundred dollars; pilots of fireboats who shall continue to receive annual salaries as now provided for by law; engineers of steamers, whose annual salary shall be one thousand six hundred dollars.

From and after January first, eighteen hundred and ninety-eight, the uniformed members of the fire department who are firemen shall be divided into four grades, to wit, first, second, third and fourth, and shall receive an annual pay or compensation as follows: members of the first grade, fourteen hundred dollars; members of the second grade, twelve hundred dollars; members of the third grade, one thousand dollars; members of the fourth grade, eight hundred dollars. The members of the uniformed force who are appointed after January first, eighteen hundred and ninety-eight, shall be assigned to the fourth grade; after one year of service in the fourth grade they shall be advanced to the third grade; after one year of service in the third grade, they shall be advanced to the second grade; after one year of service in the second grade, they shall be advanced to the first grade, and they shall in each instance receive the annual pay or compensation of the grade to which they belong as herein provided. All persons who, when this act takes effect, are firemen in the uniformed force of the fire department of the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York, or of the city of Brooklyn, or the corporation heretofore known as Long Island City, shall thereupon become firemen of that grade having a salary thereto attached equal to the salary or compensation paid such firemen, respectively, at the time of the taking effect of this act; provided, however, that any such fireman who has been a member of the uniformed force in the city of Brooklyn, or in Long Island City, whose salary falls between any two of the grades hereby established shall within three years have his salary made equal to the salary of the first grade by equal annual additions. Nothing in this section contained shall be construed to change in any way the salaries or grading, present or prospective, of the firemen who are or shall become members of the uniformed force of the New York fire department prior to January first, eighteen hundred and ninety-eight; and nothing in this section contained shall be construed to affect in any other way than as provided herein the rights and privileges secured under the provisions of this act to uniformed members of the various fire departments consolidated into one department by this act. The pay

or compensation of the officers of the fire department and each of them mentioned in the first paragraph of this section, and also the pay or compensation of district engineers and officers ranking as such, and of any other officers who, when this act takes effect, belong to the uniformed force of either of the fire departments hereby consolidated into one department, shall be and remain fixed at the amount which they and each of them were severally receiving or entitled to receive from the respective municipal corporations in whose employ they were prior to the taking effect of this act; provided, however, that the salaries of all such officers in either of said fire departments other than the New York department, so consolidated into one department, shall be made equal to the salaries of corresponding officers in said New York department within three years from January first, eighteen hundred and ninety-eight, by equal annual additions; and provided further that if the difference in the pay received by such officers and the pay received by corresponding officers of the New York fire department as heretofore existing, is not more than fifty dollars, when this act takes effect, the pay shall be equalized at once.

The pay or compensation aforesaid shall be paid monthly to each person entitled thereto, subject to such deductions each month from the pay or compensation of said persons as are or shall be authorized by law or by this act; and no pay or compensation shall be allowed or paid to any such fireman or officer, except as in this section provided for and declared, any other law to the contrary or otherwise notwithstanding.

§ 2. This act shall take effect immediately.

Chap. 393.

AN ACT to amend the general business law, in relation to private bankers.

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 25, §§ 25, 27, 28, 29a.

Section 1. Sections twenty-five, twenty-seven, twenty-eight,[1] twenty-nine-a, twenty-nine-d and twenty-nine-e of chapter twenty-

[1] Other §§ 25, 27, 28, relating to auctioneers, were added by L. 1910, ch. 640.

five of the laws of nineteen hundred and nine, entitled "An act relating to general business, constituting chapter twenty of the consolidated laws," as inserted by chapter three hundred and forty-eight of the laws of nineteen hundred and ten, are hereby amended to read, respectively, as follows:

29d, 29e, as added by L. 1910, ch. 348, amended.

§ 25. **Licenses, bonds and deposits.** Except as provided in section twenty-nine-d, no individual or partnership shall hereafter engage directly or indirectly in the business of receiving deposits of money for safe-keeping or for the purpose of transmission to another or for any other purpose in cities of the first class without having first obtained from the comptroller a license to engage in such business. Before receiving such license the applicant therefor shall file with the comptroller a written statement in the form to be prescribed by the comptroller and verified by the individual or members of the firm making the application, showing the amount of the assets and liabilities of the applicant, designating the place where the applicant proposes to engage in business, that the applicant has been, or if the applicant shall constitute a partnership, that a majority of the members thereof having a controlling interest in the business of such partnership have been continuously for a period of five years immediately preceding the date of such application resident in the United States. Such applicant shall at the same time deposit with the comptroller five thousand dollars if the applicant is engaged only in the business of receiving money for transmission to another and otherwise[2] ten thousand dollars in money or in securities which shall consist of bonds of the United States, of this state or of any municipality thereof, or other bonds approved by the comptroller, and if a deposit of securities shall be so made in lieu of[3] money, the comptroller shall thereafter require the applicant to maintain such deposit at all times at a value which shall equal the sum [4]that the applicant is required by this section to deposit. In addition thereto there shall be presented to the comptroller a bond to the people of the state of New York executed by the applicant and by a surety company approved by the comptroller, conditioned upon the faithful holding of all moneys that may be deposited with the applicant, in accordance with the terms of the deposit and the repayment of such moneys so deposited and upon the faithful transmission of any money which shall be delivered to such applicant

[2] Words "five thousand dollars . . . and otherwise," new.
[3] Words "ten thousand dollars in," omitted.
[4] Remainder of sentence formerly read: "of ten thousand dollars."

for transmission to another, and in the event of the insolvency or bankruptcy of the applicant, upon the payment of the full amount of such bond to the assignee, receiver or trustee of the applicant, as the case may require, for the benefit of the persons making such deposits and of such persons as shall deliver money to the applicant for transmission to another. [5] The penalty of the bond shall be five thousand dollars if the applicant is engaged only in the business of receiving money for transmission to another; in all other cases the amount of such penalty shall, if the deposits of the applicants do not exceed twenty-five thousand dollars, be five thousand dollars, and if in excess thereof, the penalty of such bond shall be increased five thousand dollars for each additional twenty-five thousand dollars of deposits, or fraction thereof, not exceeding, however, a maximum penalty of fifty thousand dollars. In lieu of the aforesaid bond the applicant may deposit and the comptroller shall accept money and securities of the character above described. The money and securities so deposited shall be held on the conditions specified in the aforesaid bond. If securities be deposited in lieu of the aforesaid bond, and be accepted as hereinafter provided, the comptroller shall require the applicant to maintain such deposit at a value equal to the amount fixed as the penalty of the bond in lieu of which such money and securities shall be so deposited. Upon the receipt of such application the comptroller shall cause to be posted upon a bulletin to be maintained by him in his office in a place accessible to the general public, at noon of the succeeding Friday the name of the applicant and whether individual or partnership, and the proposed business address designated in the application. After notice of the application shall have been so posted for a period of two weeks he may in his discretion approve or disapprove the application. In the event of his approval he shall accept the money, securities and bond, if there be one, and hold them for the purposes herein set forth, and shall issue a license authorizing the applicant to carry on the aforesaid business at the place designated in the application and to be specified in the license certificate. For such license the licensee shall pay a fee of fifty dollars. Such license shall not be transferred or assigned. It shall not authorize the transaction of business at any place other than that described in the license certificate, except with the written approval of the comp-

[5] Following sentence formerly read: "The penalty of the bond shall be a sum fixed by the comptroller, which shall not be more than fifty thousand dollars nor less than ten thousand dollars."

troller. Immediately upon the receipt of the license certificate issued by the comptroller pursuant to this article the licensee named therein shall cause such license certificate to be posted and at all times conspicuously displayed in the place of business for which it is issued, so that all persons visiting such place may readily see the same. It shall be unlawful for any person or partnership holding such license certificate to post such certificate or to permit such certificate to be posted upon premises other than those designated therein or to which it has been transferred pursuant to the provisions of this article, or knowingly to deface or destroy any such license certificate. If it shall be established to the satisfaction of the comptroller in accordance with rules and regulations by him prescribed, that an unexpired license certificate issued in accordance with the provisions of this article has been lost or destroyed without fault on the part of the holder, the comptroller shall issue a duplicate license therefor. The money and securities deposited with the comptroller as herein provided and the money which in case of default shall be paid on the aforesaid bond by any applicant or the surety thereof, shall constitute a trust fund for the benefit of the depositors of the licensee and of such persons as shall deliver money to such licensee for transmission to another, and such beneficiaries shall be entitled to an absolute preference as to such money or securities, over all general creditors of the licensee. Such money and securities shall in the event of the insolvency or bankruptcy of the licensee be delivered by the comptroller on the order or judgment of a court of competent jurisdiction to the assignee, receiver or trustee of the licensee designated in such order or judgment. The comptroller shall keep a book or books in which the licenses granted and the bonds filed shall be entered in alphabetical order, together with a statement of the date of the issuance of the license, the name or names of the principals, the place where the business licensed is to be transacted and the name of the surety company upon the bond filed, and the amount of all moneys and a description of all securities deposited, which record shall be open to public inspection. The comptroller shall cause to be printed annually on the first day of January and distributed upon application, a list of all licenses granted and remaining unrevoked. The comptroller shall from time to time pay over to each such licensee all moneys received by him as interest upon any moneys or securities deposited in accordance with the provisions of this article.

§ 27. **Penalties for conducting business without license, et cetera.** Any person or partnership carrying on the business specified in section twenty-five of this article without having obtained from the comptroller a license therefor, or who shall carry on such business after the revocation of a license to carry on such business, or who, without such license shall, on any sign, letterhead, advertisement or publication of any kind use the word "banking" or "banker" or any equivalent term, in any language, in connection with any business whatsoever, or who shall fail to display the license certificate as provided in section twenty-five hereof, or who shall fail to keep books of account or to make the reports as herein provided, or any person or partnership not having a license[6] who shall advertise or publish in any manner whatsoever, either orally or in writing, any statement intended to convey or actually conveying the idea or impression that such licensee is in any way under the supervision of this state or of any officer thereof, or that this state or any officer thereof has passed in any way whatsoever upon the responsibility, solvency or qualifications of such licensee to engage in such business, or that this state or any officer thereof has examined any accounts of said licensee or has in any way certified that such licensee is in any way a fit person to carry on such business, shall be guilty of a misdemeanor.

§ 28. **Perjury.** Any person who in any application for a license presented to the comptroller, or in any report made under this article, or on any examination or inquiry pursuant to section twenty-nine-e hereof,[7] shall swear falsely as to the nature or value of his assets, or the amount of his liabilities[8] or in any other particular,[9] and any person who in any affidavit made under section twenty-nine-d of this article shall swear falsely as to any fact therein stated, is guilty of perjury.

§ 29-a. **Discharge and renewal of bonds, substitution of securities, et cetera.** The surety in a bond given pursuant to this article may give notice to the comptroller in writing requesting to be released from responsibility on account of any future breach of the condition of the bond, and that the principal in the bond be

[6] Words "any person or partnership not having a license," new.

[7] Words "or on any examination or inquiry pursuant to section twenty-nine-e hereof," new.

[8] Formerly read: "should swear falsely as to the amount of the assets or liabilities of the applicant or as to the amount of the assets or liabilities of a licensee."

[9] Word "or" omitted. Words "and any person who," new.

required to give a new surety, and thereupon the comptroller shall give notice in writing directed to the principal upon said bond at the place designated by him for the transaction of business requiring him within ten days from a day therein specified to file a new bond in the form required therein with a new surety, approved by the comptroller, or money or securities in lieu thereof, and upon the filing of such new bond or such money or securities in lieu thereof within the time specified, but not before, the surety upon the old bond shall be discharged from liability upon the bond given by it for any subsequent act or default of the principal. Whenever money or securities are deposited with the comptroller pursuant to this article, he may in his discretion permit the substitution of securities for money, or of money for securities, in whole or in part, or of money or securities for any bond, or of a bond for money or securities deposited (other than the money or securities[10] which the licensee is required by section twenty-five hereof to keep at all times on deposit with the comptroller), or the withdrawal of securities deposited and the substitution of others of equal value in their place, and if the total value of securities become substantially impaired he shall require the deposit of money or additional securities sufficient to cover the impairment in value. In the event of the failure of such principal to file a new bond or such money or securities in lieu thereof, or to deposit money or additional securities to cover any impairment of value of securities theretofore deposited, within the time specified, the comptroller shall forthwith revoke the license of such principal. In the event that the licensee shall at any time discontinue the business license or with respect to which a bond shall have been filed or money or securities shall have been deposited pursuant to this article, the comptroller on the order or judgment of a court of competent jurisdiction may cancel the bond filed by the licensee and return to the licensee all moneys and securities deposited.

§ 29-d. **Exceptions.** The foregoing provisions shall not apply (1) to any corporation or "individual banker" authorized to do business under the provisions of the banking law, nor to any association organized under the national banking act; nor (2) to any hotel-keeper who shall receive money for safe-keeping from a guest; nor (3) to any express company having contracts with railroad companies for the operation of an express service upon the

[10] Words "of the value of ten thousand dollars," omitted.

lines of such railroad companies nor to any telegraph company receiving money for transmission;[11] nor (4) to any individual or partnership receiving money on deposit for safe-keeping or for transmission to others, or for any other purpose, where the average amount of each sum received on deposit, or for transmission, by such individual or partnership in the ordinary course of business, during the fiscal year preceding the date of the affidavit hereinafter specified, shall not be less than five hundred dollars, proof of which fact by affidavit to the satisfaction of the comptroller shall be made by the individual or a member of the partnership seeking exemption hereunder, whenever thereunto requested by the comptroller; nor (5) to any individual or partnership who would otherwise be required to comply with section twenty-five of this article who shall file with the comptroller a bond in the sum of one hundred thousand dollars, approved by the comptroller as to form and sufficiency, for the purpose and conditioned as in said section prescribed, where the business is conducted in a city having a population of one million or over and if conducted elsewhere in the state such bond shall be in the sum of fifty thousand dollars; or in lieu thereof money or securities approved by the comptroller of the same amount. The provisions of section twenty-nine-a shall be applicable to such bond, or deposit of money or securities.

§ 29-e.[12] **Examination by comptroller; penalty for interference therewith; proceedings by attorney-general.** 1. Whenever the comptroller shall deem it expedient, he may, either personally or by one of his deputies, or by examiners appointed by him, examine every applicant for a license or any licensee hereunder with respect to the nature and value of his assets, the manner in which the same are invested, the amount and character of his liabilities, and the conditions under which his business is conducted. For the purposes of such examination the comptroller, his deputies and examiners, shall have free access to the vaults, safes, books, papers and securities of such applicant or licensee, and shall be permitted to examine the same and to make inventories, statements of accounts and transcripts from such books and papers. The person making such examination may summon said applicant or licensee, and any other witnesses who may be deemed necessary and examine them under oath with respect to the mat-

[11] Exception (3) formerly read: "to any express company or telegraph company receiving money for transmission."

[12] Section materially amended.

ters aforesaid, and for that purpose may administer oaths. It shall be the duty of the person conducting such examination to file the testimony taken, together with such inventories, statements of account and transcripts, in the office of the comptroller.

2. Any person who shall willfully fail or refuse to appear and testify when so required, or who shall interfere with or obstruct such examination, or prevent access to the aforesaid vaults, safes, books, papers and securities, or fail to comply with any requirement of the person making such examination, is guilty of a misdemeanor.

3. Whenever it shall appear that any licensee hereunder is insolvent or that the condition of the business conducted by him is such as to render its continuance hazardous, or that such licensee has failed to comply with any of the provisions hereof, the comptroller shall report the facts to the attorney-general, who shall thereupon institute an action in the supreme court to wind up the business so licensed and to restrain the licensee from conducting the same, and in such action the court may appoint a temporary receiver to enforce the bond given under section twenty-five hereof, to take possession of the property and effects of the licensee, to convert them into money, and to hold the same subject to the direction of the court.

§ 2. This act shall take effect immediately.

Chap. 394.

AN ACT to amend chapter five hundred and sixty-nine of the laws of nineteen hundred and nine, entitled "An act to authorize the selection, location and appropriation of certain lands in the town of Saratoga Springs, for a state reservation, and to preserve the natural mineral springs therein located, and making an appropriation therefor, and authorizing an issue of bonds to pay such appropriation."

Became a law June 21, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter five hundred and sixty-nine of the laws of nineteen hundred and nine, entitled "An act to

L. 1909, ch. 569, § 2 amended.

authorize the selection, location and appropriation of certain lands in the town of Saratoga Springs, for a state reservation, and to preserve the natural mineral springs therein located, and making an appropriation therefor, and authorizing an issue of bonds to pay such appropriation," is hereby amended to read as follows:

Board to acquire lands and interests therein.

§ 2. It shall be the duty of said board, and it shall have power, from time to time, but subject to the conditions and restrictions hereinafter contained,[1] to select and locate such lands in the town of Saratoga Springs, in the county of Saratoga, or in any adjoining town[2] and any rights, easements, or interest upon or in any lands, in said town, or towns,[3] as it shall deem proper and necessary to be taken for the purpose of establishing a state reservation,[4] of preserving the natural mineral springs in said town of Saratoga Springs and adjoining towns,[5] and of restoring said springs to their former natural condition, and for that purpose, to acquire any rights, easements, or interest in any property, the whole of which it shall not acquire, for the purpose of protecting the springs or mineral water rights upon any lands it shall acquire, [6]provided, however, that said board shall not at any time acquire lands, easements, or interests, just compensation required to be made for which shall exceed the amount of all unexpended appropriations properly applicable thereto. Said commissioners shall, from time to time, cause to be made by the state engineer and surveyor maps of such lands which, or rights and easements in which, it shall determine to take, which maps shall be certified by a majority of such commissioners and filed in the office of the secretary of state and in the Saratoga county clerk's office, and shall specify with respect to each piece of such land, whether the whole title thereof is to be taken, and if the whole is not to be taken, the rights, easements, or interests therein, that are taken. [7]The said board may accept from the owner or owners of any such lands, rights, easements, or interest a proper conveyance thereof to the state, at any time, and may agree with the grantor or grantors upon the fair value of and the price to be paid for the lands, rights, easements, or interests conveyed. From the

Maps of lands selected.

Conveyance.

Agreement as to price.

1 Words "but subject to the conditions and restrictions hereinafter contained," new.
2 Words "or in any adjoining town," new.
3 Words "or towns" new.
4 Words "of establishing a state reservation," new.
5 Words "and adjoining towns," new.
6 Remainder of sentence new.
7 Following sentence new.

time of the filing of any such map, or the delivery of such conveyance, where no map has been filed,[8] the title of the lands, or rights, easements, or interests therein specified, shall become and be the property of the state of New York, and shall constitute a portion of the reservation herein provided for; [9]and the state may also acquire for the same purpose any lands or other property by gift, grant, assignment, devise, or bequest; and no part of the property acquired for such purpose shall be sold or aliened without the consent of the legislature, except by concession granted and limited as hereinafter provided.

Title, when to vest in state.

Gifts, etc.

Property not to be sold.

§ 2. Section four of said act is hereby amended to read as follows:[10]

§ 4 amended.

§ 4. The reservation property, with all the lands, springs, wells, rights and easements included therein, shall forever remain and be kept, maintained and used for the purpose of restoring to their natural state and purity and preserving the said springs and wells and the natural flow of waters and gases therefrom; and of promoting the resort to the said springs of the people of the state for health, and the other suitable use of the said reservation by the people; and of identifying, safeguarding and assuring the natural purity, qualities and repute of such waters and gases; and for the purpose of providing the said waters to the people for drinking free of charge.

Purposes for which reservation to be maintained.

§ 3. Section five of said act is hereby amended to read as follows:[10]

§ 5 amended.

§ 5. Said board shall have the care, custody and control of said reservation, and of all the mineral springs, wells, mineral water and natural carbonic acid gas thereon, therein, or thereunder, and of all the rights, easements, and interests acquired by it. The said board shall make reasonable provision for the free drinking of said waters at points as near as shall be convenient to the respective sites of the springs producing said waters; it may prescribe and publish and enforce all proper regulations for the maintenance and care and protection of said properties, and for the distribution and proper use of said springs, wells, waters and gases and for the other maintenance, care and protection of said reservation. The board may, for proper rentals or other payment and upon other proper terms, grant leases or concessions for the use of any portion of the said land, waters or gases; but every such lease, concession or use shall by its terms

Care and control of reservation.

Provision for free drinking of waters.

Leases or concessions.

[8] Words "or the delivery of such conveyance, where no map has been filed," new.

[9] Remainder of section new.

[10] Section materially amended.

be subject to reasonable provision for the free drinking of such waters and shall provide that the use by the lessee, concessionee or concessionees of any property or right included in the state reservation shall be at all times subject to the reasonable regulations of the board, and that all uses of the waters, gases, lands or interests by the lessee, concessionee or concessionees shall be subject at any time to the free inspection of the board and its representatives. The board may prescribe the terms upon which any excess of mineral water and gas not used on said reservation, or used under such concessions, shall be sold or distributed and shall prescribe the names, labels and advertisements to be affixed to the bottles or other vessels containing such waters or gases or to be published; and the said board may itself sell or dispose of such excess of water. The violation of any reasonable regulation of said board shall be a misdemeanor and shall be punishable as such. The board may, in the name and behalf of the state, bring any proper suit or action, in equity or at law, whether within or without the state, to protect and enforce the repute of the said springs or wells or the waters or gases thereof, or to prevent any corruption, pollution, impairment, diversion or depletion thereof or interference therewith, or to prevent the unauthorized or unfair use of the name or certificate of the state, or any such publication or use of any label or advertisement with reference to said waters or gases or any other waters or gases sold or distributed or sought to be sold or distributed as such. The said board may employ such experts, curator, attorneys, counsel and employees and do such things as shall be found necessary from time to time to maintain, administer, restore, preserve and protect the state reservation and any and all of its lands, easements and interests. The said board shall annually make a report to the legislature setting forth the general situation and state of the said reservation, the proceedings of the board and its receipts and expenditures. All sums received by said commission shall be paid into the state treasury, and all the expenses of said commission shall be paid upon the warrant of the comptroller; it shall report in writing each year to the legislature, specifying, in detail, its receipts and expenditures for such year.

Sale of excess water and gas.

Violations.

Power of board to bring actions.

Employment of experts, etc.

Annual report.

Finances.

§ 4. Section six of said act is hereby amended so as to read as follows:

§ 6 amended.

§ 6. The sum of nine hundred and fifty thousand dollars ($950,000)[11] or so much thereof as may be needed, is hereby ap-

Appropriation.

[11] Formerly $600,000.

propriated for the purchase of such lands, rights, easements and interest by said board, including the cost of preliminary surveys of the lands taken and the lands in which easements are taken and the expense of the examination and certification of title and other expenses incident to the acquisition of title by the state,[12] and the payment of any judgments that may be recovered therefor in the court of claims as hereinbefore provided. The state comptroller, upon the written request of such board, is hereby authorized and directed to borrow not more than nine hundred and fifty thousand dollars[11] for the purposes specified in this act, and to issue bonds or certificates of the state therefor payable within ten years from their date, bearing interest at a rate not exceeding five per centum per annum, and which shall not be sold at less than par. The sum hereby appropriated shall be payable on the order of such board, and upon the written approval of the governor, by the treasurer on the warrant of the comptroller, only out of the moneys realized from the sale of such bonds or certificates.

Bond issue.

Sum appropriated, how paid.

§ 5. There shall be inserted in said act in its proper order a new section, to be known as section seven, which shall read as follows:

§ 7 added.

§ 7. The said commissioners and their successors are hereby constituted a body corporate under the name of the board of commissioners of the state reservation at Saratoga Springs, for the following purposes: First. To adopt, compose, invent or devise any and every mark, name or device which they may see fit to use in connection with the sale and use of any of the mineral waters of said reservation and to register and file descriptions thereof as trade marks or trade names, or otherwise, for the protection thereof or to secure the exclusive right to the use thereof under any laws or statutes of the state of New York, or of the United States of America, or any other state or country where the sale of such waters may be carried on; and in said corporate name to institute and prosecute any and all suits, actions and other proceedings to restrain or recover damages or penalties for the unauthorized use thereof by any other persons or corporations. Second. To institute in their said corporate name and prosecute any and all suits, actions and other proceedings under the laws of the state of New York or under the laws of the United States of America against any persons or corporations for the violation of any such law for the regulation of the sale of mineral waters or for the pre-

Commissioners incorporated. Corporate name.

Powers relative to sale and use of mineral waters.

Power to prosecute actions for violation of regulations of sale or adulteration.

11 Formerly $600,000.

12 Words "including the cost of preliminary . . . by the state," new.

vention of the adulteration thereof and to sue for and recover any penalties which may be imposed for a violation of any such law, for the recovery of which the attorney-general of the state of New York shall bring an action within thirty days after a written statement of the fact of such violation has been presented to him by the said board. Third. To have, possess, use, exercise and enjoy any and all other powers conferred upon corporations in this state by the general corporation law and which are not inconsistent with the provisions of this act.

General powers.

§ 6. This act shall take effect immediately.

Chap. 395.

AN ACT to amend the highway law, in relation to establishing a new highway route to be constructed and improved by the state and to be known as route number forty-one.

Became a law June 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Subd. 41 added to L. 1909, ch. 30, § 120.

Section 1. Section one hundred and twenty of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended by adding a paragraph establishing a new state route, to be known as route forty-one, and to read as follows:

Route 41. Beginning on the dividing line between the city and county of New York and the town of Pelham in the county of Westchester, running thence northeasterly along the Shore road in the town of Pelham to the city of New Rochelle, and from the city of New Rochelle along the Boston post road through the towns of Mamaroneck and Rye to the Connecticut boundary line; and also beginning on the said dividing line between the city of New York and the town of Pelham and running thence northerly along the Boston post road through the town of Pelham to the city of New Rochelle.

§ 2. This act shall take effect immediately.

Chap. 396.

AN ACT to amend the judiciary law, in relation to salaries of the official interpreters in the court of general sessions of the peace in and for the county of New York.

Became a law June 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and eighty of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 35, § 380 amended

§ 380. **Salary of interpreters appointed for supreme court by appellate division of first department, [1]and for court of general sessions of the peace in and for the county of New York.** The salary of each of the official interpreters for the supreme court in the first judicial district appointed by the justices of the appellate division shall be fixed by the justices of the appellate divisions of the supreme court, or a majority of them, not to exceed three thousand dollars per annum to be paid by the county of New York. [2] The salary of each of the official interpreters of the court of general sessions of the peace in and for the county of New York, appointed by the judges thereof, shall be fixed by them, or a majority of them, not to exceed three thousand dollars per annum to be paid by the county of New York.

§ 2. All other acts or parts of acts inconsistent herewith are hereby repealed.

§ 3. This act shall take effect immediately.

[1] Remainder of section heading new.
[2] Following sentence new.

Chap. 397.

AN ACT authorizing the board of estimate and apportionment of the city of New York, in its discretion, to take action relative to the cost of proceedings to acquire title to premises at the foot of Nicholas avenue, Housman avenue and Union avenue in the borough of Richmond.

Became a law June 22, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board may assume entire cost of proceedings.

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized and empowered, in its discretion, to assume on behalf of the city of New York the entire cost of the proceedings to acquire title to property at the foot of Nicholas avenue, Housman avenue and Union avenue, from Richmond terrace to the pierhead line in the borough of Richmond in said city, including the awards for damages, costs and all other expenses in said proceedings, or of one or more of said proceedings, or such part of such cost as said board may determine.

Refund of assessments already paid.

§ 2. In case the board of estimate and apportionment determine to assume the cost or a part of the cost of such a proceeding, the comptroller of the city of New York is hereby authorized and empowered to repay and refund to the parties entitled thereto the sums paid for assessments upon property deemed to be benefited in such proceeding, or such proportion of the sums paid for such assessments as the board of estimate and apportionment shall have determined to assume in behalf of the city; and in case said board determine to assume only a part of such cost, said comptroller is hereby authorized and empowered to receive in full discharge of said assessments such proportion thereof as the board shall not have determined to assume.

§ 3. This act shall take effect immediately.

Chap. 398.

AN ACT to release to the successors in interest of the Mount Pleasant Cemetery Association of Kings county, according to their respective interests and not as tenants in common, all of the right, title and interest of the people of the state of New York in and to certain real estate situated in the borough of Brooklyn, county of Kings and state of New York, acquired by escheat or otherwise, upon the death of Paul Pontau.

Became a law June 23, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the right, title and interest of the people of the state of New York which may have been acquired by escheat or otherwise, upon the death of Paul Pontau, deceased, of, in and to all that certain lot, piece or parcel of land, situate, lying and being in the borough of Brooklyn, county of Kings, city and state of New York, bounded and described as follows: Beginning at the point formed by the intersection of the center line of Butler street with the division line between the second and third divisions of the Brooklyn woodlands, and running thence southerly on said division line along the easterly side of lot number one in said second division to the northerly line of lands now or late of John Fields; thence westerly along the northerly side of the said lands, now or late of the said John Fields, to the easterly line of lot number two in said second division of the said Brooklyn woodlands; thence again southerly along the easterly line of the said last mentioned lot number two to a point in a line one hundred feet north of and parallel with Sackett street, as laid down on the commissioners' map for laying out the city of Brooklyn; thence again westerly on the said last mentioned line, and parallel with Sackett street to lot number four in the said second division of the said Brooklyn woodlands; thence northerly on the easterly line of said lot number four to the center line of Butler street aforesaid, and thence easterly on the center line of Butler street to the place of beginning, is hereby released to and vested in the successors in interest of the Mount Pleasant Cemetery Association of Kings county and

Title of people of state released.

their heirs or successors and assigns forever, according to their respective interests and not as tenants in common.

Saving clause.

§ 2. Nothing herein contained shall be construed to impair, release or affect any right, title, interest or estate in and to the land hereby released of any heir-at-law, devisee, grantee, mortgagee or creditor of any person having an interest in the said real estate, or in any part thereof, or to warrant or insure by the state the title to said property in the present owners thereof.

§ 3. This act shall take effect immediately.

Chap. 399.

AN ACT to amend the public lands law, in relation to presentation of petitions for release of lands, escheated to the state.

Became a law June 23, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 50, § 60, as amended by L. 1909, chaps. 240, 509, amended.

Section 1. Section sixty of chapter fifty of the laws of nineteen hundred and nine, known as "An act relating to the public lands, constituting chapter forty-six of the consolidated laws," as amended by chapters two hundred and forty and five hundred and nine of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 60. **Persons entitled to petition for release.** A petition for the release to the petitioner of any interest in real property escheated to the state by reason of the failure of heirs, or the incapacity, for any reason except infancy or mental incompetency, or any of the petitioners' alleged predecessors in interest to take such property, by devise or otherwise, or to convey the same, or by reason of the alienage of any person who but for such alienage would have succeeded to such interest, may be presented to the commissioners of the land office within sixty[1] years after such escheat. Such petition may be presented:

1. By any person who would have succeeded to such interest but for his alienage or the alienage of another person, or

[1] Formerly "forty."

2. By the surviving husband, widow, stepfather, stepmother, or adopted child of the person whose interest has so escheated, or

3. By an heir, devisee, assignee, grantee, or executor of any person, who but for his death, assignment or grant could present such petition, or the purchaser at a judicial sale or sheriff's sale on execution, or the alleged grantee of any person or of any association or body, whether incorporated or not, who or which would have succeeded by devise or otherwise to the title of such person but for his alienage or a legal incapacity to take or convey the property so escheated. Such petition shall be verified by each petitioner in the same manner as a pleading in a court of record may be verified, and shall allege:

1. The name and residence of each person owning any interest in such real property immediately prior to the escheat;

2. The name and residence of each petitioner and the circumstances which entitle him to present such petition;

3. The name and place of residence of every person who would have succeeded to any such interest but for his alienage or the alienage of another or any other rule of legal incapacity hereinabove mentioned affecting an attempted transfer of such interest to such person or to or by any of his alleged predecessors in interest;

4. The description and value, at the date of the verification of the petition, of such real property sought to be released;

5. The description and value, at the date of the verification of the petition, of all the property of every such owner, which shall have escheated to the people of the state by reason of failure of heirs or alienage and which shall not then have been released or conveyed by the state;

6. The name and residence of each person having or claiming an interest in such real property at the date of the verification of the petition and the nature and value of such interest.

7. Any special facts or circumstances by reason of which it is claimed that such interest should be released to the petitioner.

The petition may be filed within sixty days after its verification with the secretary of state, who shall present it to the commissioners of the land office at their next meeting thereafter, and who may call a meeting of the commissioners to consider the same.

§ 2. This act shall take effect immediately.

Chap. 400.

AN ACT providing for the reconstruction of the old portion of the Potsdam state normal and training school.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioner of education authorized to contract.

Section 1. The commissioner of education is hereby authorized and empowered to execute all necessary contracts in behalf of the people of the state of New York for the reconstruction of the old portion of the Potsdam state normal and training school on the site on which the old buildings of such school are now located and at a cost not to exceed two hundred and twenty-five thousand dollars.

Plans and specifications.

State architect to supervise.

§ 2. The plans and specifications for such buildings shall be prepared by the state architect and shall be approved by the commissioner of education. The state architect shall supervise the work of construction, heating, lighting and plumbing, authorized by this act, and he shall see that the material furnished and the work performed in the construction of such buildings are in accordance with the plans and specifications adopted as above provided, and that the interests of the state are fully protected.

Contracts, how let.

§ 3. Such buildings shall be erected pursuant to contracts let by the commissioner of education for the whole or any part of the work to be performed and, in his discretion, such contracts may be sublet. Upon all proposals for the work of construction, heating, lighting or plumbing of such buildings, a preliminary deposit in an amount to be determined by the state architect, or a certified check of like amount drawn upon some legally incorporated bank in this state, shall in all cases be required as an evidence of good faith. Such deposit or certified check shall be deposited with the commissioner of education. The commissioner of education shall determine to what extent and for what length of time advertisements are to be inserted in newspapers for proposals for the erection of such buildings or for heating, lighting or plumbing the same. A copy of all contracts awarded, as herein provided, shall be filed with the comptroller. No liability shall be incurred by the state beyond that authorized in section one of this act. All contracts in an amount greater than one thou

Bonds of contractors.

sand dollars shall have the performance thereof secured by sufficient bond or bonds in an amount to be determined by the state architect. Such bond or bonds shall be approved as sufficient by and filed with the state comptroller. All contracts in an amount less than one thousand dollars need have no surety bond, provided payment is to be made only after the work is completed and approved. All payments on contracts shall be made upon the certificate of the state architect and the approval of the commissioner of education, upon audit by the comptroller. All original bids or proposals and abstracts thereof shall accompany the copies of contracts which are filed with the comptroller. Money appropriated shall be advanced only as the work progresses or the purchase of material is made, upon bills duly certified, approved and audited.

Payments, how made.

§ 4. This act shall take effect immediately.

Chap. 401.

AN ACT to amend the Ithaca city charter, in relation to the issue of bonds for or in aid of a water supply.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifty-nine of chapter five hundred and three of the laws of nineteen hundred and eight, entitled "An act to consolidate and revise the several acts relative to the city of Ithaca," is hereby amended to read as follows:

L. 1908, ch. 503, § 159 amended.

§ 159. Whenever the board of public works shall consider it necessary to incur any indebtedness requiring that any bonds of the city of Ithaca shall be issued providing for a supply of water or in aid thereof, it shall certify to the common council the estimated amount so needed, which shall not exceed in the aggregate of all bonds issued for water purposes the sum of one million one hundred and fifty[1] thousand dollars, and the particular purpose or

Bonds for water supply, how issued; limitation of amount.

[1] Words "and fifty" new.

purposes for which required; and in case the said common council shall, by a majority vote of all its members, approve of the issuing of such bonds for the purpose or purposes set forth in said certificate, the board of public works shall by resolution cause bonds for the amount so certified to be issued in the name and upon the credit of the city of Ithaca, which bonds shall be executed by the mayor under the corporate seal of the city and countersigned by the city clerk. The faith and credit of the city of Ithaca are hereby pledged for the payment of both principal and interest of any bonds lawfully issued heretofore or under and in pursuance of this act. Said bonds shall be issued in such denominations or amounts as the board of public works may deem expedient, bearing interest at a rate to be fixed by the board, not exceeding five per centum per annum, and shall be made payable on the first day of July, nineteen hundred and twenty-seven, either with or without the option on the part of the city of Ithaca to pay or refund said bonds on the first day of July, nineteen hundred and twelve, or at the expiration of any year thereafter. A sinking fund shall be provided for the payment within twenty years of that portion of said bonds which exceeds ten per centum of the assessed valuation of the real estate of the city subject to taxation, as it appeared by the assessment-roll of said city on the last assessment for state and county taxes prior to the incurring of such indebtedness.

Bonds, denomination, interest, etc

Sinking fund.

§ 2. This act shall take effect immediately.

Chap. 402.

AN ACT to amend chapter four hundred and seventy-eight of the laws of eighteen hundred and ninety-three, entitled "An act to incorporate the city of Olean," generally.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1893, ch. 478, § 84 amended.

Section 1. Section eighty-four of such chapter is hereby amended to read as follows:

§ 84. [1] Whenever the common council shall have occasion to let any contract for the construction of public works in excess of the sum of five[2] hundred dollars, they shall advertise in the official paper at least twice before the letting of the same, that bids will be received for and on account of such contract at a time and place designated in said notice, and such plans and specifications shall be open for inspection at the place designated in the notice[3] at all times during office hours for at least fifteen days preceding the letting of said contract. Bidders shall be required to enter into such bond as the common council may require[4] for the faithful performance of such contract, and the common council may require such additional security as they see fit. At any letting, in pursuance of said notice the lowest bidder complying with the requirements of the common council, as to security, shall receive the contract for such public works, provided, however, that said common council if they so elect may reject all bids filed in pursuance of said notice. [5] Whenever any portion of the expense of any public work, road or pavement, constructed wholly or in part within the city of Olean, shall be borne by the state of New York the contract for the entire work may be let by the state of New York; provided, however, that such contract must be approved by the common council of the city of Olean. If any person or persons, copartnership, association or corporation, or any of the officials thereof, shall give or promise to give, directly or indirectly, any consideration to any person or persons, copartnership, association or corporation, or its officials for the purpose of bidding upon said public contract, or refraining from bidding upon said public contract, he shall be guilty of a misdemeanor.

Advertising for bids for construction of public works.

Inspection of plans, etc.

Bond of contractors.

Letting of contract.

When portion of expense borne by state.

Misdemeanor to give consideration to influence bidding.

§ 2. Section ninety-eight of such chapter, as amended by chapter six hundred and ninety-five of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 98, as amended by L. 1895 ch. 695, amended.

§ 98. On the petition of resident property owners, who constitute a majority in number, and own more than one-half of the lineal feet frontage of land owned by resident property owners abutting on any street or section of a street, the common council shall have power to cause such street or section of a street to be macadamized or paved, curbed, guttered or flagged of such material

Paving, etc., of streets on petition.

1 Words "Except as hereinbefore otherwise provided," omitted.
2 Formerly "one."
3 Words "at the place designated in the notice," new.
4 Words "such bond as the common council may require," substituted for words "bond with resident freeholders sureties with said city."
5 Remainder of section new.

as shall be named by a majority of said petitioners in said petition, and the expense of macadamizing or paving, curbing, guttering and flagging shall be assessed to and be paid by the owners of property lying along and adjoining such street on each side thereof, [6]except as herein otherwise provided. Upon receiving the petition, as aforesaid, the common council shall cause notice to be published once a week for two successive weeks in some newspaper published in said city stating in substance that a petition has been presented asking that the proposed improvements be made and specifying the street or a portion of the street which it is proposed to improve, and appointing a time and place for the purpose of hearing objections thereto, which hearing may be adjourned from time to time. Unless written objections be made to the sufficiency of the petition and the objections specifically stated, such petition shall be deemed sufficient both in form and as to the required number of owners and amount of frontage to authorize the proposed improvement. In case the common council shall determine to make such improvement, they shall approve such petition and direct the improvement to be made and thereupon determine the probable cost thereof. No street, however, shall be macadamized or paved until after the main and sewer pipes, contemplated by the general plans adopted as in this act provided, have been laid on such street or section of a street. As soon as practicable and during the first municipal year the common council shall cause to be made a general plan of sewerage, which shall include all necessary main and sewer pipes for sewering said city, and file a map and profile thereof in the office of the clerk of said city which shall be certified by said clerk to have been adopted by the common council, stating the date when such plan was adopted. The water commissioners shall also, as soon as practicable after the passage of this act, and during the first municipal year adopt a general plan for supplying the city, and its inhabitants, with water, and which shall include all necessary pipes and lines for supplying such water, and make a map and profile thereof which shall be certified by said commissioners to have been adopted by them, stating the time when so adopted and cause the same with such certificate to be filed in the office of the clerk of said city. Until such plans shall have been adopted by the common council and water commissioners, respectively, the plans which have heretofore been adopted by,

Expense, how assessed.

Notice of hearing.

Sufficiency of petition.

Determination to make improvement.

Sewers to be laid first.

General plan of sewerage.

General plan of water supply lines.

[6] Remainder of section materially amended.

the board of trustees of the village of Olean and the water commissioners of said village, shall respectively be considered for the purposes of this act to have been adopted by the common council and water commissioners. The common council and water commissioners may change and alter from time to time, such plans respectively, and thereupon shall immediately cause an amended map showing such changes to be made and filed with the clerk of said city. For the purpose of paying for said improvement an assessment shall be made by the assessors of said city, and they shall proceed in the same manner as is prescribed in this act for making sewer assessments, except as hereinafter modified. Each lineal foot of property shall pay its proportion of the total cost, and one lineal foot shall not be assessed a greater or less amount than another, except that the portion of such street, or a section of a street, now occupied or which may hereafter be occupied by a street railway, together with a space on each side thereof extending two feet in width shall be graded and macadamized, or graded and paved at the expense of the owner of such street railway, and the expense thereof and of repairing and relaying the same shall be assessed and paid by the owner of such railway or company operating the same. When such paving or improvement shall have been completed, and at the time the assessors shall make the assessment therefor, they shall determine the expense of such grading, macadamizing or paving chargeable to the owner of such street railway or the company operating the same which shall not be more than its just and equitable share of the entire expense of said improvement and assess said share to such owner or street railway company. For the purpose of paying the expense of such improvement, including that portion to be borne by general tax, and in anticipation of the collection of the taxes, the common council shall issue certificates of indebtedness or revenue bonds, of said city, in anticipation of such respective amounts and payable at such respective times, not exceeding ten years from the date of issue as the common council may deem advisable, with interest not exceeding six per centum per annum. Such certificates of indebtedness or revenue bonds shall be sold to the highest bidder for cash, at not less than par value. Notice of such sale shall be published once a week for three successive weeks in such newspaper or newspapers as the common council may designate. Said certificates of indebtedness or revenue bonds shall be signed by the mayor and

Assessment for improvement.

Loan in anticipation of collection of taxes.

Taxes and assessments payable in installments.

treasurer and countersigned by the clerk. The taxes and assessments which are to be levied for the purpose of paying the expense of such improvement shall be payable in the same number of equal annual installments as the bonds or other obligations which are to be issued in the payment of the expense of such improvements as hereinbefore provided, with the option and privilege to such owner or owners to pay the whole of such taxes so assessed to them respectively within fifteen days from the time of the completion of such assessment-roll. Such option or privilege may be exercised at the time when any installment becomes due, provided that such owner or owners pay in addition the whole amount of interest that would accrue if such owner or owners paid the whole of such taxes and assessments in equal annual installments. After correction and confirmation of such assessment the same shall be a lien and charge upon the property so assessed and that portion thereof to be paid by said railway company or its owner shall be a lien upon the entire railway, its sidings, switches and equipments used upon said railway, and such lien shall be prior and superior to any other incumbrance or lien upon said railway or property, and shall bear interest per annum at the rate at which said bonds have been negotiated from and after the confirmation of such tax and assessment. Such interest shall be due and payable annually on the whole amount of such tax and assessment unpaid at the time when each installment becomes due. The common council shall cause such taxes to be collected in the same manner as is provided for the collection of other taxes in said city, except as herein otherwise provided. Immediately after the correction and confirmation of such taxes and assessments the common council shall cause the warrant for the collection of said taxes and assessments to be delivered to the clerk, who shall publish in the official paper in said city a notice that he has received such warrant and tax-roll and that such taxes, or any installment thereof, may be paid to him for fifteen days without fee and that upon expiration of such fifteen days the first installment of such taxes will become delinquent, and that each succeeding installment thereafter, together with the interest on the whole amount of such tax remaining unpaid, will be due and payable one year after the time fixed for the payment of the installment immediately preceding, and will become delinquent fifteen days thereafter, and the clerk shall proceed accordingly. Such delinquent taxes shall be subject to the same fees and penalties as delinquent taxes on the city tax-

Lien of assessment.

Interest.

Collection.

roll. Such taxes and assessments shall be kept separate and apart from the other funds of said city and used only for the retiring and paying of such bonds and indebtedness. The fund shall be known as the "paving fund" and the bonds shall be known as the "improvement bonds." The common council may make temporary loans from time to time as the work of such improvement progresses, and defer issuing the bonds hereinbefore mentioned until after such improvement shall have been completed, and the interest paid for such temporary loan shall be added to and be considered a part of the expenses of such improvement. Such temporary loan and the certificate issued therefor shall be a lien to the same extent as is herein provided regarding the lien for bonds for the permanent loan. The certificates for such temporary loans shall be signed by the mayor and treasurer and countersigned by the clerk, and be made payable within one year from the date of issuing same. Whenever there is more than one improvement in progress at the same time, the common council may make the temporary loans herein provided, separate and specific for each separate *improvements or they may in their discretion make such temporary loans applicable for two, or more or all the improvements that may be in progress at the same time, but in all cases a separate and accurate account shall be kept of the cost of each of said several improvements and each shall be charged with only its equitable share of the interest on said temporary loan or loans; and the amount of said temporary loans shall at no time exceed the estimated total cost of said improvements. In like manner the certificates of indebtedness of revenue bonds to be issued as herein provided may be made in amount to cover one, two or more improvements, but in no case shall the amount of said certificates of indebtedness or revenue bonds at any time exceed the cost of the improvement or several improvements for which they were issued. The moneys received from the sale of said certificates of indebtedness or revenue bonds shall be used only for the payment and cancellation of said temporary loan certificates or in payment of the cost of said improvements which may not have been provided for by temporary loans. The grading, macadamizing and paving of such part of the street occupied by the street railway company with a space on each side thereof, which has been improved at the expense of the owner of such street railway or the company operating the same, shall be kept in

Paving fund; improvement bonds.

Temporary loans.

Loans covering two or more improvements.

Application of moneys received from certificates of indebtedness.

Street railway to keep its portion of street in repair.

* So in original.

repair, and when the common council shall deem it necessary, be relaid by the owner of such street railway or the company operating the same, which shall be done under the supervision of the common council, and in the manner and under such rules and regulations as it may prescribe. In case such owner or company fail to keep the same in repair or to relay the same, it shall be done by the common council at the expense of such owner or company and such expense shall be assessed to and paid by the owner of such street railway or the company operating the same, and the same may be collected by an action brought by said city or by a warrant for the collection of the taxes in the usual manner; and such expense shall be a lien upon the property of said company the same as the original improvement. Such street railway company may, at its own cost and expense and under the direction of the common council, prepare its track and roadbed for the contemplated improvement, but in case of the failure of the said street railway company to so prepare its track and roadbed, after reasonable notice so to do, the common council may prepare same for such improvement, and the expense of same shall be assessed to and paid by the owner of such street railway or by the company operating the same, as part of the total expense of the said improvement to be borne by such company, and such expense shall be a lien upon the property of the said company the same as the improvement. Whenever the state of New York shall improve any road or street, any part of which is within the city of Olean, as provided by section eighty-four of this act, all of the provisions of this section relative to the petition, assessment and collection of taxes as to that portion to be paid by the abutting property owners by general tax and by any street railway company shall apply, and the common council shall pay to the proper official of the state of New York, from time to time, out of the proceeds of any loan certificates issued by it on account of such improvement, such portion of the total expense that is to be borne by the city, the abutting property owners and any street railway company having its tracks in the streets improved as may be equitable.

Preparing track and roadbed of street railway for contemplated improvement.

Provisions to apply when improvement made by state.

§ 3. This act shall take effect immediately.

Chap. 403.

AN ACT to amend the village law, in relation to street improvements in villages of the second class.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter sixty-four of the laws of nineteen hundred and nine, entitled "An act relating to villages, constituting chapter sixty-four of the consolidated laws," is hereby amended by inserting therein a new section, to be section one hundred and forty-five-a thereof, to read as follows: § 145a added to L. 1909, ch. 64.

§ 145-a. **Street improvements in villages of second class.** A street in a village of the second class shall not be laid out, altered or widened if the entire cost of such improvement including the acquisition of necessary land and the construction of such street exceed one thousand dollars, unless a proposition therefor be submitted to and adopted at a village election. A petition for such improvement in a village of the second class shall contain an estimate of the cost thereof, and if such estimate exceed one thousand dollars, shall be accompanied by proof that such improvement has been authorized by the adoption of a proposition at a village election.

§ 2. This act shall take effect immediately.

Chap. 404.

AN ACT to amend the judiciary law, in relation to clerks to justices of supreme court in the first judicial district.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section one hundred and sixty of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constitut- L. 1909 ch. 35, § 160, subd. 1 amended

ing chapter thirty of the consolidated laws," is hereby amended to read as follows:

§ 160. **Appointment of clerks in certain judicial districts.** 1. Each of the justices of the supreme court in the first judicial district, other than those provided for in section one hundred and three of this chapter,[1] shall appoint and at pleasure remove a clerk to such justice.

§ 279, subd. 1 amended.

§ 2. Subdivision one of section two hundred and seventy-nine of such chapter is hereby amended to read as follows:

§ 279. **Salary of clerks to justices of supreme court.** 1. Each of the clerks appointed by the justices of the supreme court in the first judicial district, pursuant to subdivision one of section one hundred and sixty of this chapter,[2] shall receive as salary a sum to be fixed by the justices [3]thereof, or a majority of them, not designated as justices of the appellate division.

§ 3. This act shall take effect immediately.

Chap. 405.

AN ACT to amend the state charities law, generally.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 57, §§ 42, 44, as amended by L. 1909, ch. 149, amended.

Section 1. Sections forty-two and forty-four of chapter fifty-seven of the laws of nineteen hundred and nine, entitled "An act relating to state charities, constituting chapter fifty-five of the consolidated laws," as amended by chapter one hundred and forty-nine of the laws of nineteen hundred and nine, are hereby amended to read, respectively, as follows:

§ 42. **Powers and duties of fiscal supervisor.** The fiscal supervisor shall, as to the state institutions reporting to him:

1. Visit each of such institutions at least twice in each calendar year.

1 Words "other than those provided for . . . of this chapter," new.
2 Words "pursuant to subdivision . . . of this chapter," new.
3 Remainder of sentence formerly read: "of the appellate division in the first department."

2. Examine into the condition of all buildings, grounds and other property connected with any such institution, and into all matters relating to its financial management, and for such purpose he or his representatives shall have free access to the grounds, buildings, and all books, papers, property and supplies of any such institution; and all persons connected with any such institution shall give such information and afford such facilities for such examination or inquiry as the supervisor may require.

3. Appoint, in his discretion, a competent person to examine the books, papers and accounts of any institution to the extent deemed necessary.

4. Annually report to the legislature his acts and proceedings for the year ending September thirtieth last preceding, with such facts in regard to the conditions of the buildings, grounds and property, and the financial management of the state institutions reporting to him as he may deem necessary for the information of the legislature, including estimates of the amounts required for the use of such institutions and the reasons therefor. The fiscal supervisor shall also on the first days of January and July in each year report to the governor the condition of the buildings, grounds and property on such date, together with such suggestions in regard to the financial management of such institutions as he deems proper. He shall also on request of the governor or of any committee of either house of the legislature, make a special report in relation to the condition of the buildings, grounds and property, or the financial management of such institutions or any of them.

5.[1] Shall designate, subject to the approval of the comptroller, the forms in which all records, accounts and reports of the financial operations of the institutions shall be made and kept.

§ 44. **Fiscal year.** The fiscal year of all state institutions reporting to the fiscal supervisor shall commence with the first day of October in each year, and close with the thirtieth day of September next succeeding; and the annual reports of such institutions, required by this chapter, shall be made for the fiscal year as herein named and copies thereof shall be filed with the state board of charities and fiscal supervisor on or before the first day of November in each year, and on or before the twentieth day of October in each year there shall be filed with the fiscal supervisor copies of the inventories of supplies for maintenance and property

[1] Subd. 5 new.

on hand at the close of the last fiscal year. The inventories[2] shall be made out upon forms prepared in compliance with this section by the fiscal supervisor.

§ 45, as amended by L. 1909, ch. 149, and L. 1911, ch 9, amended.

§ 2. Section forty-five of such chapter, as amended by chapter one hundred and forty-nine of the laws of nineteen hundred and nine, and chapter nine of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 45. **Quarterly[3] estimates of expenses; contingent fund.** The superintendent or other managing officer of each of the state institutions reporting to the fiscal supervisor shall quarterly, upon such day as the fiscal supervisor shall direct, cause to be prepared triplicate estimates, in such detail as may be required by the fiscal supervisor,[4] of the expense required for the institution of which he has the supervision, for the ensuing quarter. He shall countersign and submit two of such triplicates to the fiscal supervisor and retain the other to be placed on file in the office of the institution. The fiscal supervisor may cause such estimates to be revised either as to quantity or quality of supplies and the estimated cost thereof, and shall certify that he has carefully examined the same and that the articles contained in such estimate, as approved or revised by him, are actually required for the use of the institution and shall thereupon present such estimate and certificate to the comptroller. Upon the revision and approval of such estimate the comptroller shall authorize the board of managers, trustees or other managing officers of such institution to make drafts on him as the money may be required for the purposes mentioned in such estimates, which draft shall be paid on his warrant out of the funds in the treasury of the state appropriated for the support of such institutions. In every such estimate there shall be a sum named, not to exceed two hundred and fifty dollars, as a contingent fund, for which no minute detailed statement need be made. No expenditures shall be made from such contingent fund, except in case of actual emergency requiring immediate action, [5]or except for such articles as may be previously approved by the fiscal supervisor. The treasurer of any such institution shall pay no accounts unless they are contained in the estimate provided in this section and duly approved by the fiscal super

[2] Provision prescribing contents of inventories, omitted.
[3] Formerly read: "Monthly."
[4] Words "in such detail as may be required by the fiscal supervisor," substituted for words "in minute detail."
[5] Remainder of paragraph materially amended.

visor, except that a sum to be fixed by the fiscal supervisor, when authorized by the comptroller, be set apart by the fiscal supervisor to each institution under his supervision, as a commutation ticket fund to be used under the direction and control of the superintendent for the purchase of commutation tickets. Such tickets shall be held at cost, under the direction of the superintendent, for the use of the institution. The amount received from the sale of such tickets shall be paid into such fund and shall be available for the purchase of additional tickets, as above provided. No persons, other than the officers and employees of such institutions, and the families of the superintendents, medical officers, adjutants, quartermasters or stewards, necessarily residing therein, shall be allowed rooms and maintenance, except at a rate fixed by the state comptroller and the fiscal supervisor with the approval of the governor.

[6] The superintendent of each of the state institutions reporting to the fiscal supervisor shall personally inspect and pass upon all articles abandoned for use, and report to the fiscal supervisor at such time and on such forms as may be directed by him.

Any general expenses necessarily and lawfully incurred by the fiscal supervisor for, or on account of one or more of the institutions reporting to him, shall be apportioned to such institution or institutions on the basis of the number of inmates, and included in the estimates of such institution or institutions in the manner provided by this section.

§ 3. Section forty seven of such chapter is hereby amended to read as follows: § 47 amended.

§ 47. **Affidavit of steward; vouchers.** There shall be attached to such treasurer's statement the affidavit of the steward or other officer having like powers, to the effect that the goods and other articles therein specified were purchased and received by him or under his direction at the institution, that the goods were purchased at a fair cash market price and paid for in cash, and that he or any person in his behalf had no pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the way of commission, percentage, deductions or presents, or in any other manner whatever, directly or indirectly; that the articles contained in such bill were received at the institution; that they conformed in all respects to the specifications under which they were purchased and conformed

[6] Remainder of section new.

in quantity to the invoice rendered for such supplies.[7] Such statement shall be accompanied by the voucher showing the payment of the several items contained in the statement, the amount of such payment and for what the payment was made. Such vouchers shall be examined by the fiscal supervisor and compared with the estimates made for the month for which the statement is rendered, and if found correct shall be indorsed and forwarded by the fiscal supervisor, with the statement, to the comptroller, who shall have the power of final audit in accordance with the estimate. If any voucher is found objectionable, the fiscal supervisor or the comptroller shall indorse his disapproval thereon, with the reason therefor, and return it to the treasurer, who shall present it to the board of managers for correction and immediately return it. All vouchers shall be filed in the office of the comptroller.

§ 50, as amended by L. 1909, ch. 149, amended.

§ 4. Section fifty of such chapter, as amended by chapter one hundred and forty-nine of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 50. **Visitations and reports by managers or trustees.** The board of managers or trustees of each of the state institutions reporting to the fiscal supervisor in addition to their other duties now required by law, shall hold monthly meetings at the institution under its charge and, by a majority of its members, visit and inspect the institution for which it is appointed at least monthly, and shall make a written report to the governor, the state board of charities and the fiscal supervisor within ten days after each visitation, to be signed by each member making such visitation. Such reports shall include the minutes of the monthly meetings and shall state in detail the condition of the institution visited and of its inmates, and such other matters pertaining to the management and affairs thereof as in the opinion of the board should be brought to the attention of the governor, the state board of charities or the fiscal supervisor of state charities, and may contain recommendations as to needed improvements in the institution or its management. The state board of managers of reformatories shall meet monthly at some of the institutions under its management, and shall at least monthly visit and inspect each such institution either by a majority of said board or a committee of its members, and shall make a like report to the governor, the

[7] Words "specifications under which . . . such supplies," substituted for words "invoiced goods received and ordered by him, both in quality and quantity."

state commission of prisons and the fiscal supervisor. Managers or trustees who fail to attend the meetings of their respective boards or fail to make such visitations for three successive months; shall be deemed to have vacated their membership in such boards of managers or trustees, whereupon the governor shall fill the vacancies so created as provided by law, unless the absence of such managers or trustees shall be excused by the governor.[8]

§ 5. This act shall take effect immediately.

Chap. 406.

AN ACT authorizing the commissioners of the land office to complete the sale by grant and conveyance of certain unappropriated state lands.

Became a law June 23, 1911, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners of the land office shall have power to and may grant and convey to the heirs of Barbara Schuster, deceased, or to their assigns, without further payment therefor, all the right, title and interest of the people of the state of New York in and to those certain lands which were heretofore sold on behalf of the people of the state of New York to said Barbara Schuster, to wit: All that certain piece or parcel of land, situate in the town of Hamburg, county of Erie and state of New York, being the southeast part of lot number five in the ninth township and eighth range of the Holland Land Company's survey, bounded east by the White's Corners and Buffalo plank road, twenty-nine chains and eighty-eight links; south by part of lot number four, sixteen chains and seventy-four links; west by a line parallel to said plank road twenty-nine chains and eighty-three links; and north by land now or lately owned by John Scott, sixteen chains and seventy-four links; containing fifty acres of land, be the same more or less. Being the same premises conveyed to the people of the state of New York by deed from Alfred C. Chapin, as comptroller of the state of New York, dated October thirty-first, eighteen hundred

[8] Provision requiring list of articles abandoned for use to be included in monthly report to fiscal supervisor, omitted.

and ninety-four, recorded in the office of the clerk of Erie county on the fifth day of April, eighteen hundred and eighty-seven, in liber five hundred and twenty-six of deeds at page sixty-one; and by the people of the state of New York thereafter sold to said Barbara Schuster. Provided that upon the execution and delivery of said grant the persons entitled thereto shall surrender and relinquish all claim to the moneys heretofore paid upon account of such sale to Barbara Schuster, or for the repayment thereof.

§ 2. This act shall take effect immediately.

Chap. 407.

AN ACT to amend the liquor tax law, in relation to posting liquor tax certificates, sale of liquor tax certificates and to changing the place of traffic.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 39, § 19, amended.

Section 1. Section nineteen of chapter thirty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the traffic in liquors and for the taxation and regulation of the same, and to provide for local option, constituting chapter thirty-four of the consolidated laws," is hereby amended to read as follows:

§ 19. **Posting liquor tax certificate.** Before commencing or doing any business for the time for which the excise tax is paid and the certificate is given, the said liquor tax certificate shall be inclosed in a suitable wood or metal frame, having a clear glass face and a substantial wood or metal back, so that the whole of said certificate may be seen therein and shall be posted up and at all times displayed in a conspicuous place in the room or bar where the traffic in liquors for which the tax was paid is carried on, so that all persons visiting such place may readily see the same, but if there be a door opening from the street into the room or barroom where the traffic in liquors is carried on and a window facing the street upon which such door opens, such certificate shall be displayed in such window, so it may be readily seen from the street. It shall be unlawful for any person holding a liquor tax certificate to post such certificate, or to permit such certificate to

be posted upon premises other than those for which such certificate was issued or to which it has been transferred under sections twenty-five or twenty-six[1] of this chapter, or upon premises where traffic in liquors is being carried on by any person other than the holder of such certificate; or to knowingly deface or destroy any liquor tax certificate. Certificates issued by the state commissioner of excise to common carriers shall be framed and posted conspicuously at the bar, if on a boat, where the same may be readily seen by the passengers; if on a car, the certificate, together with any transfer permit of same, granted for such car, shall be framed and conspicuously posted in the car for which it was issued or to which it has been transferred, so that all passengers may readily see the same. Whenever a certificate, issued in accordance with any of the provisions of this chapter, shall be lost or destroyed without fault on the part of the holder thereof or his agents or employees, a duplicate certificate in lieu thereof, under the original statement and bond, may be issued by the state commissioner of excise in his discretion and in accordance with such rules and regulations as he may prescribe. When the holder of a liquor tax certificate under this chapter shall have presented the application and bond as required by sections fifteen[2] and sixteen[3] of this chapter, and paid the tax assessed by this chapter, not less than fifteen days before the time fixed for the expiration of such tax certificate, such holder of such tax certificate may continue to traffic in liquors pending the issue of the tax certificate, until notified in writing, by the officer charged with the duty of issuing such tax certificate, that such tax certificate so applied for will not be issued. If the application is refused the moneys thus paid shall be returned to the applicant within ten days from the receipt of the same, with said notice, by the said certificate issuing officer. To continue to traffic in liquor after such notice is received is a violation of this law and subjects the person violating to the penalties prescribed for trafficking in liquors without having a liquor tax certificate.

§ 2. Section twenty-five of such chapter is hereby amended to read as follows: § 25 amended.

§ 25. **Changing the place of traffic.** If a person,[4] having paid a tax and holding a liquor tax certificate, shall desire to transfer

[1] Words "or twenty-six" new.
[2] As amended by L. 1909, ch. 281, and L. 1910, chaps. 485, 494, 503.
[3] As amended by L. 1910, ch. 484, and L. 1911, ch. 223.
[4] Words "corporation, association, copartnership or," omitted.

to and carry on such business for which the liquor tax certificate was issued in other premises than those designated in the original application, and in the tax certificate, but in the same city, borough[5] or town, and in premises where such traffic is not prohibited by this chapter, upon the making and filing of a new application and bond in the form and as provided for in sections fifteen and sixteen of this chapter, and a consent in writing executed and acknowledged by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned or any other obligation incurred,[6] and the presentation of the tax certificate, the officer who issued the same or his successor in office, shall write or stamp over his signature across the face of the certificate the words, "The traffic in liquors permitted to be carried on under this certificate is hereby transferred from (here insert the description of the original locality) to (here insert the description of the new locality)."

§ 26 amended.

§ 3. Section twenty-six of such chapter is hereby amended to read as follows:[7]

§ 26. **Voluntary sale of liquor tax certificate; changing the place of traffic.**[8] The person to whom any liquor tax certificate is issued, except a certificate issued under subdivisions three, five or six of section eight of this chapter, or his duly authorized attorney, may sell, assign and transfer such liquor tax certificate during the time for which it was granted to any person not forbidden to traffic in liquors under this chapter, nor under the subdivision of section eight under which such certificate was issued, who may thereupon carry on the business for which such liquor tax certificate was issued upon the premises described therein, if such traffic is not prohibited therein by this chapter, during the balance of the term of such tax certificate, with the same rights, and subject to the same liabilities as if such person were an original applicant for such certificate and the original owner thereof, upon the making and filing of a new application and bond by such purchaser in the form and as provided for by sections fifteen and sixteen of this chapter, and a consent in writing executed and acknowledged by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned or any other obligation incurred,[6] and the presentation of the tax

[5] Word "borough" new.
[6] Words "and a consent in writing . . . obligation incurred," new.
[7] Words specifying corporations, associations and copartnerships, omitted.
[8] Words "changing the place of traffic," new.

certificate to the officer who issued the same or to his successor in office, who shall write or stamp across the face of the certificate over his signature the words "consent is hereby given for the transfer of this liquor tax certificate to (and here insert the name of the corporation, association, copartnership or person to which or to whom the same is transferred)"; provided, however, that no such sale, assignment or transfer shall be made except in accordance with the provisions of this chapter, nor permitted by any holder of a certificate who shall have been convicted, or be under indictment, or against which or whom a complaint under oath shall have been made, and be pending, for violating the provisions of this chapter or who shall have violated any provision of this chapter. [9] If, however, the person to whom such liquor tax certificate was sold, assigned and transferred, shall not desire to traffic in liquors in the premises for which said liquor tax certificate was issued, but shall desire to transfer to and carry on such business for which the liquor tax certificate was issued in other premises than those designated in the original application and in the tax certificate, but in the same city, borough or town and in premises where such traffic is not prohibited by this chapter during the balance of the term of such tax certificate with the same rights and subject to the same liabilities as if such person were an original applicant for such certificate and the original owner thereof, upon the making and filing of a new application and bond in the form provided for in sections fifteen and sixteen of this chapter to traffic in liquors at said other premises, and a consent in writing executed and acknowledged by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned, or any other obligation incurred, and the presentation of the liquor tax certificate, the officer who issued the same, or his successor in office shall write or stamp across the face of the certificate over his signature the words "consent is hereby given for the transfer of this liquor tax certificate to (and here insert the name of the person to whom the same is transferred) and the traffic in liquor permitted to be carried on under this certificate is hereby transferred from (here insert the description of the original locality) to (here insert the description of the new locality)." For each indorsement under sections twenty-four,[10] twenty-five and twenty-six of this chapter, the officer making the same shall charge and receive the sum of

[9] Following sentence new.
[10] As amended by L. 1910, ch. 503, and L. 1911, ch. 408.

ten dollars to be paid by the applicant, which sum shall be apportioned and accounted for as are taxes, as provided in sections ten and eleven of this chapter.

§ 4. This act shall take effect immediately.

Chap. 408.

AN ACT to amend the liquor tax law, in relation to the surrender and cancellation of liquor tax certificates.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 39, § 24, subd. 1, as amended by L. 1910, ch. 503, amended.

Section 1. Subdivision one of section twenty-four of chapter thirty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the traffic in liquors and for the taxation and regulation of the same, and to provide for local option, constituting chapter thirty-four of the consolidated laws," as amended by chapter five hundred and three of the laws of nineteen hundred and ten, is hereby amended to read as follows:

Surrender and cancellation of liquor tax certificates; payment of rebates.

1. If a person holding a liquor tax certificate and authorized to sell liquors under the provisions of this chapter, against whom no complaint, prosecution, action or proceeding is pending on account of any violation thereof, and who shall not have violated any provision of this chapter during the excise year for which such certificate was issued, shall voluntarily, and before arrest or indictment for a violation of this chapter, cease to traffic in liquors during the term for which the tax is paid under such certificate, such person or his duly authorized attorney may surrender such tax certificate to the officer who issued the same or to his successor in office provided that such tax certificate shall have at least one month to run at the time of such surrender; and provided that no rebate shall be allowed or paid upon the surrender and cancellation of a certificate issued under subdivisions three, five, six or seven of section eight[1] of this chapter, and provided further, that the rebate thereon shall be computed for full

[1] As amended by L. 1909, ch. 281, L. 1910, chaps. 485, 494, and L. 1911, ch. 298.

months, less fifteen dollars, on any certificate issued before the passage of this act, and on any certificate thereafter issued in an amount equal to one-half of the tax for the balance of the excise year, commencing with the first day of the month succeeding the one in which such certificate is surrendered, unless such surrender be on the first day of the month; and at the same time shall present to such officer a verified petition setting forth all facts required to be shown upon such application; [2]and, except in the case of a certificate issued under *subdivison four of section eight of this chapter, a consent in writing duly executed and acknowledged by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned or any other obligation incurred. Said officer shall thereupon compute the amount of rebate then due on said certificate for the unexpired term thereof, and shall execute duplicate receipts therefor showing the name of the person to whom such certificate was issued, the number thereof, date when issued, amount of tax paid therefor, and the date when surrendered for cancellation, together with the amount of rebate due thereon at such date as computed by him, the name of the person entitled to receive the rebate, the locality liable for one-half of such rebate, and the name and title of the fiscal officer thereof. One of such receipts said officer shall deliver to the person entitled thereto, and the other of such receipts he shall immediately transmit, with the surrendered certificate and the petition for the cancellation thereof, to the state commissioner of excise. If within thirty days from the date of the receipt of such certificate by the state commissioner of excise, the person surrendering such certificate shall be arrested or indicted for a violation of this chapter, or proceedings shall be instituted for the cancellation of such certificate, or an action shall be commenced against him for penalties, such petition shall not be granted until the final determination of such proceedings or action; and if the said petitioner be convicted, or said action or proceedings be determined against him, said certificate shall be canceled and all rebate thereon shall be forfeited. If the holder of said certificate, authorized to sell liquors under the provisions of this chapter, shall have ceased to traffic in liquors upon the surrender of said certificate and no complaint, prosecution, action or proceeding shall be pending against him on account of any viola-

* So in original.
[2] Remainder of sentence new.

tion of this chapter and he shall not have violated any provision of this chapter during the excise year for which such certificate was issued, the state commissioner of excise shall prepare two orders for the payment of such rebate, one order for the one-half thereof, directed to the state treasurer, to be paid by him, on the certificate of the comptroller, and one order for the one-half of such rebate, directed to the fiscal officer of the proper locality, to be paid by such fiscal officer out of any excise or other moneys of such locality applicable thereto. If he have no such moneys of such locality in his possession or under his control, then the said fiscal officer shall at once borrow enough money upon the credit of the locality, and he is hereby authorized so to do, to pay said order, and shall pay the same. The money so borrowed shall be a lawful claim against such locality, to be paid as are other legal claims. The aforesaid orders, or the order on the said fiscal officer and the check of the state treasurer for said one-half of such rebate moneys, shall be transmitted to the officer who issued such canceled certificate, or to his successor in office, to be delivered to the holder of the duplicate receipt upon the surrender of such receipt, which receipt shall be immediately transmitted to the said state commissioner. Any rebate moneys due on the cancellation of certificates issued by the state commissioner of excise under subdivision four of section eight of this chapter shall be paid by the state treasurer from any moneys applicable thereto, on the certificate or check of the state commissioner of excise, countersigned by the comptroller. If a corporation, association or copartnership holding a liquor tax certificate shall be dissolved, or a receiver or assignee be appointed therefor or a receiver, assignee or committee of the property of a person holding a liquor tax certificate be appointed during the time for which such certificate was granted, or a person holding a liquor tax certificate shall die during the term for which such tax certificate was given, such corporation, association, copartnership or receiver or assignee, or the administrator, or executor of the estate of such person, or the person or persons who may succeed to such business, or a committee of the property of a person adjudged to be incompetent, may in like manner surrender such liquor tax certificate; or they may continue to carry on such business, upon such premises, for the balance of the term for which such tax was paid and the certificate given, with the same right and subject to the same restrictions and liabilities as if such persons had been the original applicants for and the original owners of such liquor

tax certificate, upon filing a statement and bond, as provided by sections fifteen and sixteen of this chapter, and, except in the case of a certificate issued under subdivision four of section eight of this chapter, a consent in writing executed and acknowledged by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned or any other obligation incurred,[3] and not otherwise; but the liquor tax certificate under which such business is carried on shall have written or stamped across the face of the same, over the signature of the officer who issued the same or his successor in office, the words "(here insert the name of the person) is permitted to traffic in liquor as (here insert the representative capacity whether as assignee, receiver, executor, administrator or otherwise) of the original owner of this certificate for the unexpired term thereof."

§ 2. This act shall take effect immediately.

Chap. 409.

AN ACT to amend chapter seven hundred and seventy-two of the laws of eighteen hundred and ninety-six, relative to the office of the district attorney of the county of Kings.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter seven hundred and seventy-two of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the office of the district attorney of the county of Kings, providing for the election of district attorney and the appointment of clerks, stenographers and county detectives for said office," as amended by chapter one hundred and twenty-six of the laws of nineteen hundred, and further amended by chapter five hundred and fifty-six of the laws of nineteen hundred and one, is hereby further amended to read as follows:

L. 1896, ch. 772, § 2, as amended by L. 1900, ch. 126 and L. 1901, ch. 556, amended.

§ 3. The said district attorney shall have also the power to appoint one chief clerk, whose compensation shall not exceed five thousand dollars per annum, one bail bond clerk, whose compensa-

Clerks, messengers and door-keepers of district attorney.

[3] Words "and, except in the case . . . obligation incurred," new.

tion shall not exceed two thousand five hundred dollars per annum,[1] and five additional clerks, whose compensation shall not exceed two thousand dollars each per annum, one messenger whose compensation shall not exceed one thousand two hundred dollars per annum, and one doorkeeper, whose compensation shall not exceed one thousand two hundred dollars per annum, said compensation of the said several clerks, messenger and doorkeeper to be fixed and determined by the said district attorney[2] and to be paid monthly by the comptroller of the city of New York.

§ 2. This act shall take effect immediately.

Chap. 410.

AN ACT to amend the penal law, in relation to discrimination against United States uniform.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 517 added to L. 1909, ch. 88.

Section 1. Chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended by adding thereto, after section five hundred and sixteen thereof, a new section, to be section five hundred and seventeen, to read as follows:

§ 517. **Discrimination against United States uniform.** A person who excludes from the equal enjoyment of any accommodation, facility or privilege furnished by innkeepers or common carriers, or by owners, managers or lessees of theaters or other places of amusement or resort, any person lawfully wearing the uniform of the army, navy, marine corps or revenue cutter service of the United States, because of that uniform, is guilty of a misdemeanor.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

[1] Words "one bail bond clerk . . . per annum," new.

[2] Words "subject to the approval of the board of estimate and apportionment," omitted.

Chap. 411.

AN ACT to amend chapter six hundred and forty-two of the laws of eighteen hundred and ninety-two, entitled "An act increasing the number of surrogates in the surrogate's court for the city and county of New York, and prescribing their powers and duties," in relation to the salaries of the clerk of records and record clerks of such court.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and forty-two of the laws of eighteen hundred and ninety-two, entitled "An act increasing the number of surrogates in the surrogate's court for the city and county of New York, and prescribing their powers and duties," is hereby amended by inserting therein a new section, to be section four-a, to read as follows:

§ 4a added to L. 1892, ch. 642.

§ 4-a. The salary of the clerk of records of the surrogate's court of the county of New York shall be fixed by the surrogates of said court at not more than eighteen hundred dollars per annum, payable monthly; and the salaries of the record clerks of the surrogate's court of the county of New York at not more than fifteen hundred dollars per annum, payable monthly.

Salaries of clerk of records and record clerks.

§ 2. This act shall take effect immediately.

Chap. 412.

AN ACT to amend chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, entitled "An act incorporating the village of Mohawk," in relation to the powers and duties of the municipal commission of such village.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions four and eight of section nine of chapter one hundred and fifty-seven of the laws of eighteen

L. 1844, ch. 157, § 9, subds.

4, 8, as amended by L. 1904, ch. 301, amended.

hundred and forty-four, entitled "An act to incorporate the village of Mohawk," as amended by chapter three hundred and one of the laws of nineteen hundred and four, are hereby amended to read, respectively, as follows:

Powers and duties of commissioners.

4. The commissioners hereby appointed, when they shall have organized as a municipal commission, shall be vested with the control and supervision of the village lighting system, the water system, the sanitary[1] sewer system and the police and fire departments as said systems and departments now exist or may hereafter be established, extended, enlarged or improved; and shall possess all the powers generally which are now by law vested in the board of trustees or in separate boards of commissioners, with reference to the light, water and sanitary[1] sewer systems and the police and fire departments of the village not inconsistent with the express provisions or limitations of this act. They shall be charged with the duty of maintaining and operating the village lighting system, the waterworks and all village sanitary[1] sewers and the management and conduct of the police and fire departments, shall keep in repair and in good working order all buildings, sanitary[1] sewers, lines, piping, reservoirs, galleries and tools, machinery and apparatus generally appertaining to any of said departments, and may from time to time improve and extend the same or any of them, providing that no extension of or improvement to the lighting system, or of the water system, or the village sanitary[1] sewers, or sanitary[1] sewer system shall cost, in any one fiscal year, to exceed one thousand dollars and in the case of the police and fire departments not to exceed five hundred dollars in the aggregate in any one fiscal year; and if the estimated expense for any such extension or improvement shall exceed those respective amounts, then such extension or improvement can only be made by authorization of the qualified electors voting upon a proposition at an election as in this act specified.

Ordinances of commission.

8. The municipal commission may adopt ordinances, not inconsistent with law, for enforcing the collection of water and light rents and relating generally to the use of water and light and the village sanitary[1] sewers and may enforce the observance thereof by summarily cutting off the supply of water or light or any sanitary[1] sewer connection; and for the protection of the village against fires and the safeguarding of lives and property by prescribing and regulating fire limits within the village and com-

[1] Word "sanitary" new.

pelling the proper equipment of buildings with fire escapes and apparatus for protection against fire, and may enforce the fulfillment thereof by the imposition of penalties or in any other lawful manner. Such ordinances and by-laws as are now in force and effect shall inure to the benefit of said commission and may be enforced by them in all respects as they may now be by the board of trustees, and additions or amendments thereto, not inconsistent with law, may be adopted by said municipal commission in the same manner and with the same formalities as by this act provided for the adoption or amendment of village ordinances generally before they shall take effect, except that the personal service of a certified copy of any ordinance shall become at once binding and in full force and effect as to the particular person or party upon whom it is so personally served. And said commission shall also have the power to sue for, in the name of the village, and collect all penalties by said by-laws and ordinances imposed.

§ 2. This act shall take effect immediately.

Chap. 413.

AN ACT to amend the county law, in relation to the salary of the surrogate of the county of Kings, and the salary of the county judge of the county of Richmond.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions twenty-three and forty-one of section two hundred and thirty-two of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties constituting chapter eleven of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 16, § 232, subds. 23, 41 amended.

23. Kings	10,000	15,000[1]
41. Richmond	7,500[2]	

§ 2. Said section two hundred and thirty-two of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in Subds. 62, 63 added to § 232.

[1] Formerly $10,000.
[2] Formerly $5,000.

to and carry on such business for which the liquor tax certificate was issued in other premises than those designated in the original application, and in the tax certificate, but in the same city, borough[5] or town, and in premises where such traffic is not prohibited by this chapter, upon the making and filing of a new application and bond in the form and as provided for in sections fifteen and sixteen of this chapter, and a consent in writing executed and acknowledged by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned or any other obligation incurred,[6] and the presentation of the tax certificate, the officer who issued the same or his successor in office, shall write or stamp over his signature across the face of the certificate the words, "The traffic in liquors permitted to be carried on under this certificate is hereby transferred from (here insert the description of the original locality) to (here insert the description of the new locality)."

§ 26 amended.

§ 3. Section twenty-six of such chapter is hereby amended to read as follows:[7]

§ 26. **Voluntary sale of liquor tax certificate; changing the place of traffic.**[8] The person to whom any liquor tax certificate is issued, except a certificate issued under subdivisions three, five or six of section eight of this chapter, or his duly authorized attorney, may sell, assign and transfer such liquor tax certificate during the time for which it was granted to any person not forbidden to traffic in liquors under this chapter, nor under the subdivision of section eight under which such certificate was issued. who may thereupon carry on the business for which such liquor tax certificate was issued upon the premises described therein, if such traffic is not prohibited therein by this chapter, during the balance of the term of such tax certificate, with the same rights, and subject to the same liabilities as if such person were an original applicant for such certificate and the original owner thereof, upon the making and filing of a new application and bond by such purchaser in the form and as provided for by sections fifteen and sixteen of this chapter, and a consent in writing executed and acknowledged by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned or any other obligation incurred,[6] and the presentation of the tax

[5] Word "borough" new.
[6] Words "and a consent in writing . . . obligation incurred," new.
[7] Words specifying corporations, associations and copartnerships, omitted.
[8] Words "changing the place of traffic," new.

certificate to the officer who issued the same or to his successor in office, who shall write or stamp across the face of the certificate over his signature the words "consent is hereby given for the transfer of this liquor tax certificate to (and here insert the name of the corporation, association, copartnership or person to which or to whom the same is transferred)"; provided, however, that no such sale, assignment or transfer shall be made except in accordance with the provisions of this chapter, nor permitted by any holder of a certificate who shall have been convicted, or be under indictment, or against which or whom a complaint under oath shall have been made, and be pending, for violating the provisions of this chapter or who shall have violated any provision of this chapter. [9] If, however, the person to whom such liquor tax certificate was sold, assigned and transferred, shall not desire to traffic in liquors in the premises for which said liquor tax certificate was issued, but shall desire to transfer to and carry on such business for which the liquor tax certificate was issued in other premises than those designated in the original application and in the tax certificate, but in the same city, borough or town and in premises where such traffic is not prohibited by this chapter during the balance of the term of such tax certificate with the same rights and subject to the same liabilities as if such person were an original applicant for such certificate and the original owner thereof, upon the making and filing of a new application and bond in the form provided for in sections fifteen and sixteen of this chapter to traffic in liquors at said other premises, and a consent in writing executed and acknowledged by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned, or any other obligation incurred, and the presentation of the liquor tax certificate, the officer who issued the same, or his successor in office shall write or stamp across the face of the certificate over his signature the words "consent is hereby given for the transfer of this liquor tax certificate to (and here insert the name of the person to whom the same is transferred) and the traffic in liquor permitted to be carried on under this certificate is hereby transferred from (here insert the description of the original locality) to (here insert the description of the new locality)." For each indorsement under sections twenty-four,[10] twenty-five and twenty-six of this chapter, the officer making the same shall charge and receive the sum of

[9] Following sentence new.
[10] As amended by L. 1910, ch. 503, and L. 1911, ch. 408.

ten dollars to be paid by the applicant, which sum shall be apportioned and accounted for as are taxes, as provided in sections ten and eleven of this chapter.

§ 4. This act shall take effect immediately.

Chap. 408.

AN ACT to amend the liquor tax law, in relation to the surrender and cancellation of liquor tax certificates.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 29, § 24, subd. 1, as amended by L. 1910, ch. 503, amended.

Section 1. Subdivision one of section twenty-four of chapter thirty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the traffic in liquors and for the taxation and regulation of the same, and to provide for local option, constituting chapter thirty-four of the consolidated laws," as amended by chapter five hundred and three of the laws of nineteen hundred and ten, is hereby amended to read as follows:

Surrender and cancellation of liquor tax certificates; payment of rebates.

1. If a person holding a liquor tax certificate and authorized to sell liquors under the provisions of this chapter, against whom no complaint, prosecution, action or proceeding is pending on account of any violation thereof, and who shall not have violated any provision of this chapter during the excise year for which such certificate was issued, shall voluntarily, and before arrest or indictment for a violation of this chapter, cease to traffic in liquors during the term for which the tax is paid under such certificate, such person or his duly authorized attorney may surrender such tax certificate to the officer who issued the same or to his successor in office provided that such tax certificate shall have at least one month to run at the time of such surrender; and provided that no rebate shall be allowed or paid upon the surrender and cancellation of a certificate issued under subdivisions three, five, six or seven of section eight[1] of this chapter, and provided further, that the rebate thereon shall be computed for full

[1] As amended by L. 1909, ch. 281, L. 1910, chaps. 485, 494, and L. 1911, ch. 298.

months, less fifteen dollars, on any certificate issued before the passage of this act, and on any certificate thereafter issued in an amount equal to one-half of the tax for the balance of the excise year, commencing with the first day of the month succeeding the one in which such certificate is surrendered, unless such surrender be on the first day of the month; and at the same time shall present to such officer a verified petition setting forth all facts required to be shown upon such application; [2]and, except in the case of a certificate issued under *subdivison four of section eight of this chapter, a consent in writing duly executed and acknowledged by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned or any other obligation incurred. Said officer shall thereupon compute the amount of rebate then due on said certificate for the unexpired term thereof, and shall execute duplicate receipts therefor showing the name of the person to whom such certificate was issued, the number thereof, date when issued, amount of tax paid therefor, and the date when surrendered for cancellation, together with the amount of rebate due thereon at such date as computed by him, the name of the person entitled to receive the rebate, the locality liable for one-half of such rebate, and the name and title of the fiscal officer thereof. One of such receipts said officer shall deliver to the person entitled thereto, and the other of such receipts he shall immediately transmit, with the surrendered certificate and the petition for the cancellation thereof, to the state commissioner of excise. If within thirty days from the date of the receipt of such certificate by the state commissioner of excise, the person surrendering such certificate shall be arrested or indicted for a violation of this chapter, or proceedings shall be instituted for the cancellation of such certificate, or an action shall be commenced against him for penalties, such petition shall not be granted until the final determination of such proceedings or action; and if the said petitioner be convicted, or said action or proceedings be determined against him, said certificate shall be canceled and all rebate thereon shall be forfeited. If the holder of said certificate, authorized to sell liquors under the provisions of this chapter, shall have ceased to traffic in liquors upon the surrender of said certificate and no complaint, prosecution, action or proceeding shall be pending against him on account of any viola-

* So in original.
[2] Remainder of sentence new.

tion of this chapter and he shall not have violated any provision of this chapter during the excise year for which such certificate was issued, the state commissioner of excise shall prepare two orders for the payment of such rebate, one order for the one-half thereof, directed to the state treasurer, to be paid by him, on the certificate of the comptroller, and one order for the one-half of such rebate, directed to the fiscal officer of the proper locality, to be paid by such fiscal officer out of any excise or other moneys of such locality applicable thereto. If he have no such moneys of such locality in his possession or under his control, then the said fiscal officer shall at once borrow enough money upon the credit of the locality, and he is hereby authorized so to do, to pay said order, and shall pay the same. The money so borrowed shall be a lawful claim against such locality, to be paid as are other legal claims. The aforesaid orders, or the order on the said fiscal officer and the check of the state treasurer for said one-half of such rebate moneys, shall be transmitted to the officer who issued such canceled certificate, or to his successor in office, to be delivered to the holder of the duplicate receipt upon the surrender of such receipt, which receipt shall be immediately transmitted to the said state commissioner. Any rebate moneys due on the cancellation of certificates issued by the state commissioner of excise under subdivision four of section eight of this chapter shall be paid by the state treasurer from any moneys applicable thereto, on the certificate or check of the state commissioner of excise, countersigned by the comptroller. If a corporation, association or copartnership holding a liquor tax certificate shall be dissolved, or a receiver or assignee be appointed therefor or a receiver, assignee or committee of the property of a person holding a liquor tax certificate be appointed during the time for which such certificate was granted, or a person holding a liquor tax certificate shall die during the term for which such tax certificate was given, such corporation, association, copartnership or receiver or assignee, or the administrator, or executor of the estate of such person, or the person or persons who may succeed to such business, or a committee of the property of a person adjudged to be incompetent, may in like manner surrender such liquor tax certificate; or they may continue to carry on such business, upon such premises, for the balance of the term for which such tax was paid and the certificate given, with the same right and subject to the same restrictions and liabilities as if such persons had been the original applicants for and the original owners of such liquor

tax certificate, upon filing a statement and bond, as provided by sections fifteen and sixteen of this chapter, and, except in the case of a certificate issued under subdivision four of section eight of this chapter, a consent in writing executed and acknowledged by any person to whom such certificate may have been transferred or assigned as collateral security for moneys loaned or any other obligation incurred,[3] and not otherwise; but the liquor tax certificate under which such business is carried on shall have written or stamped across the face of the same, over the signature of the officer who issued the same or his successor in office, the words "(here insert the name of the person) is permitted to traffic in liquor as (here insert the representative capacity whether as assignee, receiver, executor, administrator or otherwise) of the original owner of this certificate for the unexpired term thereof."

§ 2. This act shall take effect immediately.

Chap. 409.

AN ACT to amend chapter seven hundred and seventy-two of the laws of eighteen hundred and ninety-six, relative to the office of the district attorney of the county of Kings.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter seven hundred and seventy-two of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the office of the district attorney of the county of Kings, providing for the election of district attorney and the appointment of clerks, stenographers and county detectives for said office," as amended by chapter one hundred and twenty-six of the laws of nineteen hundred, and further amended by chapter five hundred and fifty-six of the laws of nineteen hundred and one, is hereby further amended to read as follows:

L. 1896, ch. 772, § 3, as amended by L. 1900, ch. 126 and L. 1901, ch. 556, amended.

§ 3. The said district attorney shall have also the power to appoint one chief clerk, whose compensation shall not exceed five thousand dollars per annum, one bail bond clerk, whose compensa-

Clerks, messengers and door-keepers of district attorney.

[3] Words "and, except in the case . . . obligation incurred," new.

tion shall not exceed two thousand five hundred dollars per annum,[1] and five additional clerks, whose compensation shall not exceed two thousand dollars each per annum, one messenger whose compensation shall not exceed one thousand two hundred dollars per annum, and one doorkeeper, whose compensation shall not exceed one thousand two hundred dollars per annum, said compensation of the said several clerks, messenger and doorkeeper to be fixed and determined by the said district attorney[2] and to be paid monthly by the comptroller of the city of New York.

§ 2. This act shall take effect immediately.

Chap. 410.

AN ACT to amend the penal law, in relation to discrimination against United States uniform.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 517 added to L. 1909, ch. 88.

Section 1. Chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended by adding thereto, after section five hundred and sixteen thereof, a new section, to be section five hundred and seventeen, to read as follows:

§ 517. **Discrimination against United States uniform.** A person who excludes from the equal enjoyment of any accommodation, facility or privilege furnished by innkeepers or common carriers, or by owners, managers or lessees of theaters or other places of amusement or resort, any person lawfully wearing the uniform of the army, navy, marine corps or revenue cutter service of the United States, because of that uniform, is guilty of a misdemeanor.

In effect Sept. 1, 1911.

§ 2. This act shall take effect September first, nineteen hundred and eleven.

[1] Words "one bail bond clerk . . . per annum," new.

[2] Words "subject to the approval of the board of estimate and apportionment," omitted.

Chap. 411.

AN ACT to amend chapter six hundred and forty-two of the laws of eighteen hundred and ninety-two, entitled "An act increasing the number of surrogates in the surrogate's court for the city and county of New York, and prescribing their powers and duties," in relation to the salaries of the clerk of records and record clerks of such court.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and forty-two of the laws of eighteen hundred and ninety-two, entitled "An act increasing the number of surrogates in the surrogate's court for the city and county of New York, and prescribing their powers and duties," is hereby amended by inserting therein a new section, to be section four-a, to read as follows: § 4a added to L. 1892, ch. 642.

§ 4-a. The salary of the clerk of records of the surrogate's court of the county of New York shall be fixed by the surrogates of said court at not more than eighteen hundred dollars per annum, payable monthly; and the salaries of the record clerks of the surrogate's court of the county of New York at not more than fifteen hundred dollars per annum, payable monthly. Salaries of clerk of records and record clerks.

§ 2. This act shall take effect immediately.

Chap. 412.

AN ACT to amend chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, entitled "An act incorporating the village of Mohawk," in relation to the powers and duties of the municipal commission of such village.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions four and eight of section nine of chapter one hundred and fifty-seven of the laws of eighteen L. 1844, ch. 157, § 9, subds.

§§ 4, 8, as amended by L. 1904, ch. 301, amended.

hundred and forty-four, entitled "An act to incorporate the village of Mohawk," as amended by chapter three hundred and one of the laws of nineteen hundred and four, are hereby amended to read, respectively, as follows:

Powers and duties of commissioners.

4. The commissioners hereby appointed, when they shall have organized as a municipal commission, shall be vested with the control and supervision of the village lighting system, the water system, the sanitary[1] sewer system and the police and fire departments as said systems and departments now exist or may hereafter be established, extended, enlarged or improved; and shall possess all the powers generally which are now by law vested in the board of trustees or in separate boards of commissioners, with reference to the light, water and sanitary[1] sewer systems and the police and fire departments of the village not inconsistent with the express provisions or limitations of this act. They shall be charged with the duty of maintaining and operating the village lighting system, the waterworks and all village sanitary[1] sewers and the management and conduct of the police and fire departments, shall keep in repair and in good working order all buildings, sanitary[1] sewers, lines, piping, reservoirs, galleries and tools, machinery and apparatus generally appertaining to any of said departments, and may from time to time improve and extend the same or any of them, providing that no extension of or improvement to the lighting system, or of the water system, or the village sanitary[1] sewers, or sanitary[1] sewer system shall cost, in any one fiscal year, to exceed one thousand dollars and in the case of the police and fire departments not to exceed five hundred dollars in the aggregate in any one fiscal year; and if the estimated expense for any such extension or improvement shall exceed those respective amounts, then such extension or improvement can only be made by authorization of the qualified electors voting upon a proposition at an election as in this act specified.

Ordinances of commission.

8. The municipal commission may adopt ordinances, not inconsistent with law, for enforcing the collection of water and light rents and relating generally to the use of water and light and the village sanitary[1] sewers and may enforce the observance thereof by summarily cutting off the supply of water or light or any sanitary[1] sewer connection; and for the protection of the village against fires and the safeguarding of lives and property by prescribing and regulating fire limits within the village and com-

[1] Word "sanitary" new.

pelling the proper equipment of buildings with fire escapes and apparatus for protection against fire, and may enforce the fulfillment thereof by the imposition of penalties or in any other lawful manner. Such ordinances and by-laws as are now in force and effect shall inure to the benefit of said commission and may be enforced by them in all respects as they may now be by the board of trustees, and additions or amendments thereto, not inconsistent with law, may be adopted by said municipal commission in the same manner and with the same formalities as by this act provided for the adoption or amendment of village ordinances generally before they shall take effect, except that the personal service of a certified copy of any ordinance shall become at once binding and in full force and effect as to the particular person or party upon whom it is so personally served. And said commission shall also have the power to sue for, in the name of the village, and collect all penalties by said by-laws and ordinances imposed.

§ 2. This act shall take effect immediately.

Chap. 413.

AN ACT to amend the county law, in relation to the salary of the surrogate of the county of Kings, and the salary of the county judge of the county of Richmond.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions twenty-three and forty-one of section two hundred and thirty-two of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties constituting chapter eleven of the consolidated laws," is hereby amended to read as follows: L. 1909, ch. 16, § 232, subds. 23, 41 amended.

23. Kings	10,000	15,000[1]
41. Richmond	7,500[2]	

§ 2. Said section two hundred and thirty-two of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in Subds. 62, 63 added to § 232.

[1] Formerly $10,000.
[2] Formerly $5,000.

relation to counties, constituting chapter eleven of the consolidated laws," is hereby further amended by adding thereto two new subdivisions, numbered sixty-two and sixty-three, to read as follows:

Subd. 23 in effect, when.

62. The salary provided in subdivision twenty-three of this section for the surrogate of the county of Kings shall take effect upon the expiration of the term of the present incumbent, and until the expiration of said term such surrogate shall receive the salary authorized by law on January first, nineteen hundred and eleven.

Subd. 41 in effect, when

63. The salary provided in subdivision forty-one of this section for the county judge of the county of Richmond shall take effect upon the expiration of the term of said office, expiring December thirty-first, nineteen hundred and eleven.

§ 3. This act shall take effect immediately.

Chap. 414.

AN ACT to amend chapter thirty-one of the laws of eighteen hundred and eighty, entitled "An act in relation to the public buildings and grounds belonging to Erie county and the city of Buffalo," in relation to the payment of compensation to regular employees.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1880, ch. 31, § 4, as amended by L. 1892, ch. 83, amended.

Section 1. Section four of chapter thirty-one of the laws of eighteen hundred and eighty, entitled "An act in relation to the public buildings and grounds belonging to Erie county and the city of Buffalo," as amended by chapter eighty-three of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows:

Expense, how borne.

§ 4. All expenses incurred for the alteration, repairing, warming, lighting, cleaning, protection and care of said hall, and for the improvement, care and protection of the grounds for the site thereof, shall be borne equally by the city of Buffalo and the county of Erie, and all appropriations therefor, shall be paid to

said trustees and be disbursed by them for such purposes. They shall have power to appoint a secretary, superintendent and engineer, who shall be removed only upon written charges sustained by a majority of the trustees, after a hearing; also, to employ such other servants and workmen as may be necessary, and discharge the same at pleasure; to make such repairs and refurnishings in and about such buildings and grounds as shall, from time to time, be proper; and to defray all incidental expenses for the care and management thereof; to make such ordinances and regulations for the protection and care of said hall and grounds, and the prohibition of nuisances in said building and upon said grounds as are not inconsistent with the laws of this state, and cause the same to be posted in said hall and upon said grounds, and they may prescribe a penalty, not exceeding ten dollars, for any violation thereof, in addition to the damages incurred by said act, and may summarily enforce the same before any court having jurisdiction of offenses for the violation of ordinances of the city of Buffalo, in the same manner and to the same extent as such ordinances are enforced, or they may maintain an action therefor as such trustees. They shall yearly ascertain the amount required for the purposes aforesaid, and certify the same to the board of supervisors of said county, and to the common council of said city. They shall yearly make to the board of supervisors of said county and to the common council of said city, a detailed report of the money disbursed by them during the year preceding. And it shall be the duty of the board of supervisors of said county, and the common council of said city, to provide in equal proportion the amount of money required for the purposes aforesaid, and place the same in the treasury of said city and county, respectively, subject to the order of said trustees for such purpose. But the said trustees shall receive no compensation for their services, but may reimburse themselves for the necessary expenses actually incurred in the discharge of their duties. [1]All persons regularly employed by said trustees shall be paid semi-monthly.

Powers of trustees.

Ordinances and regulations.

Annual estimates and reports.

Duty of supervisors and common council.

Expenses of trustees.

Employees paid semi-monthly.

§ 2. This act shall take effect immediately.

[1] Following sentence new.

Chap. 415.

AN ACT to amend the penal law, in relation to false or misleading information as to tickets, voyages or vessels.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1909, ch. 88, § 1563 amended.

Section 1. Section fifteen hundred and sixty-three of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act to provide for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended to read as follows:

§ 1563. **Advertising as agent, without written authorization; false or misleading information.** No person issuing, selling or offering to sell any passage ticket or any instrument giving or purporting to give any right, either absolutely or upon any condition or contingency, to a passage or conveyance upon any vessel, or a berth or stateroom in any vessel, shall hold himself out to be or advertise himself in any way as the agent of the owner or consignees of such vessel or line, unless he has received authority in writing therefor, specifying the name of the company, line or vessel for which he is authorized to act as agent and the city, town or village, together with the street, and the street number in which his office is kept for the sale of tickets, and unless such written authorization is conspicuously displayed in such office. Provided that this section shall not apply to the sale of passage tickets on board any such vessel or to the offices of the actual owners or consignees of such vessel. No person issuing, selling or offering to sell or holding himself out as being authorized to sell any such passage ticket or instrument giving or purporting to give any such right to passage or conveyance shall give or cause to be given any false or misleading information or shall print, publish, distribute or circulate or cause to be printed, published, distributed or circulated any false or misleading advertisement, circular, circular letter, pamphlet, card, hand-bill or other printed paper or notice in regard to said passage, ticket or instrument or the passage or voyage to which it entitles or purports to entitle its

[1] Remainder of section materially amended.

owner, purchaser or holder or line over which, or the vessel for which such passage is sold or offered or as to his agency for such line or vessel.

§ 2. This act shall take effect September first, nineteen hundred and eleven. In effect Sept. 1, 1911.

Chap. 416.

AN ACT to amend the insurance law, by prohibiting rebating and discrimination in relation to premiums paid for insurance.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," is hereby amended by inserting in article one of said chapter a new section, to be section sixty-five, and to read as follows: § 65 added to L. 1909, ch. 33.

REBATING AND DISCRIMINATIONS PROHIBITED.

§ 65. No insurance corporation, association, partnership, Lloyds or individual underwriters authorized or permitted to do any insurance business within this state, or any officer, agent, solicitor or representative thereof, shall make any contract for such insurance, on property or risk located within this state, or against liability, casualty, accident or hazard that may arise or occur therein or agreement as to such contract, other than as plainly expressed in the policy issued or to be issued thereon; nor shall any such corporation, association, partnership, Lloyds or individual underwriters, or officer, agent, solicitor or representative thereof, directly or indirectly, in any manner whatsoever, pay or allow or offer to pay or allow as inducement to such insurance, or after the insurance shall have been effected, any rebate from the premium which is specified in the policy or any special favor or advantage in the dividends or other benefit to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy or contract of insurance, or give, sell or purchase, or offer to give,

sell or purchase, as inducement to such insurance, or in connection therewith, any stock, bonds or other securities of any insurance company, or other corporation or association, or any dividends or profits accrued thereon, or anything of value whatsoever, not specified in the policy, nor shall any insurance broker, his agent or representative, or any other person, directly or indirectly, either by sharing commissions or in any manner whatsoever pay or allow or offer to pay or allow as inducement to such insurance, or after the insurance shall have been effected, any rebate from the premium which is specified in the policy; nor shall the insured, his agent or representative, directly or indirectly accept or knowingly receive any such rebate from the premium specified in the policy; this section shall not prevent any corporation, person, partnership or association lawfully doing such insurance business in this state from the distribution of surplus and dividends to policyholders after the first year of insurance nor prevent any member of an inter-insurance or Lloyds association from receiving the profit on his or its underwriting; nor shall this section prevent any such corporation or other insurer, or his or its agent, from paying commissions to the broker who shall have negotiated for the insurance, nor shall this section prevent any licensed broker from sharing or dividing a commission earned or received by him with any other licensed broker or brokers who shall have aided him in respect to the insurance for the negotiation of which such commission shall have been earned or paid, and nothing herein contained shall be held to prevent the covering of risks by temporary binders or such other memoranda as do not conflict with the provisions of this chapter.

No person shall be excused from attending and, when ordered so to do, from testifying or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial for a violation of any of the provisions of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have been required so to testify or to produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding. Any person or corpo-

ration violating the provisions of this section shall be guilty of a misdemeanor and shall forfeit to the people of the state the sum of five hundred dollars for each such violation. This section shall not apply to any contract of life insurance nor to any contract of insurance upon or in connection with marine or transportations risks or hazards other than contracts for automobile insurance, nor to contracts made by persons, associations or corporations authorized to do business under articles five, six, seven and nine of this chapter.

§ 2. This act shall take effect immediately.

Chap. 417.

AN ACT relating to the repaving of West Lincoln avenue and West First street, as widened, from Eleventh avenue to the New York city line, in the city of Mount Vernon.

Became a law June 23, 1911, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Mount Vernon is hereby authorized and empowered, by resolution adopted by it, to issue and sell bonds in the name, in behalf and upon the credit of said city, in an amount not exceeding forty thousand dollars, for the purpose of paying the cost of repaving said streets as widened. Bond issue authorized.

§ 2. Said bonds shall be issued in the name and under the seal of said city, signed by the mayor and comptroller thereof, and shall be for the sum of one thousand dollars each. They shall be payable twenty years from the date of their issue, with interest payable semi-annually at a rate not exceeding six per centum per annum, and the principal and interest thereof shall be payable at the office of the treasurer of said city. They shall be numbered consecutively from one to the highest number issued, and shall be known and designated as "West Lincoln avenue repaving bonds," and be in such form as the common council shall prescribe, and shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act; and the comptroller of Bonds, execution, etc

said city shall keep a record of the number of each bond, its date, amount, rate of interest, when payable, and the name of the purchaser thereof.

Sale.

§ 3. Said common council shall sell and dispose of said bonds, or any part thereof, at not less than par value and accrued interest, at public auction, or by sealed proposals, after giving at least ten days' notice thereof, such notice to be published at least once in each of the official newspapers of said city.

Fund for payment of principal and interest.

§ 4. While any bonds issued under this act shall remain unpaid, the comptroller of said city is hereby directed to draw a draft to the order of the treasurer of said city, payable out of the moneys collected in the next preceding tax levy, for the sum of not less than one-twentieth of the aggregate amount of the bonds theretofore issued under this act, as he may be directed by the common council; and the said treasurer of said city shall deposit the amount of each such draft in such bank or banks, trust company or trust companies as shall be designated by the common council. Such a draft shall be so drawn and a deposit so made on or before the first day of July in each year. Such money shall be deposited in the name and to the credit of the city of Mount Vernon, and all moneys so deposited shall be designated upon the books of the treasurer and comptroller of said city as "special sinking fund for payment of principal and interest on Lincoln avenue repaving bonds," and the principal and interest of bonds issued under authority of this act shall be paid out of said fund, upon order of the common council. The common council of said city is forbidden to order any warrant drawn upon the moneys in the special sinking fund directed to be created by this act, except such warrant be for the payment of principal or interest upon bonds issued by authority of this act, and any alderman voting for, or any official signing or issuing any warrant or draft upon the said special sinking fund except for the purpose authorized by this section shall be guilty of a misdemeanor, except that any balance remaining in said special sinking fund after the principal and interest on each and every bond issued under authority of this act shall be fully paid, shall be paid into the city treasury by the direction of the common council.

§ 5. This act shall take effect immediately.

TABLES OF LAWS AND CODES AMENDED OR REPEALED.

TABLE OF LEGALIZING ACTS.

TABLES

OF

LAWS AND CODES AMENDED OR REPEALED.

I. Changes in the Consolidated Laws, 1909–1911.*

(Sections, etc., are amended unless it is otherwise indicated.)

Section.	SUBJECT.	Year.	Chapter.	Page.
	AGRICULTURAL LAW: (L. 1909, ch. 9, constituting cons. laws, ch. 1.)			
2	Salary of commissioner	1909	580	1771
4	Expert butter and cheese makers	1910	112	174
12, added	Examination of food for state institutions	1910	434	812
13, added	Decisions of department to be furnished to corporations, etc., dealing in products regulated	1911	313	729
30	Adulterated cream	1909	186	297
30	Butter and cheese defined	1911	59	79
30	Adulterated milk defined	1911	608	1374
30, subd. 2	Adulterated milk defined	1910	341	604
31	Care of cows and produce therefrom	1910	216	398
35	Inspection of milk	1911	608	1376
37	Regulations as to condensed milk	1911	608	1377
40	Oleaginous substances	1909	357	683
41	Coloring matter, etc	1909	357	684
45	Unclean receptacles for milk; milk gathering stations; licenses	1911	608	1378
47	Receptacles for milk; milk can inspectors	1911	608	1381
48	Branding or labeling cheese	1910	207	387
64a, added	Tuberculous animals	1909	588	1783
70	Vinegar	1909	210	330
72	Vinegar	1909	210	330
72	Vinegar	1911	228	505
73	Vinegar	1909	210	330
73	Penalties for violation of art. 4	1910	156	280
90	Diseases of domestic animals	1909	240	374
90	Diseases of domestic animals	1909	312	580
91	Quarantines	1909	313	582
92	Quarantined farms	1909	315	585
93	Detention and destruction of animals	1909	315	586
95	Destruction of diseased animals	1909	316	587
96	Regulations	1909	352	666
96	Penalty for violation of quarantine	1910	437	818
96	Expense of enforcing regulations	1911	255	641
97	Penalties	1909	352	667
99	Appraisal of condemned animals	1909	314	583
99	Appraisal of condemned animals	1910	670	1927

It is important to notice that the following table for the consolidated laws gives the amendments and repeals of 1909 and 1910, as well as those of 1911.

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	AGRICULTURAL LAW — (*Continued*).			
101	Post-mortem examination of animals	1909	314	584
102	Compensation for animals destroyed	1909	314	584
104, repealed	Federal regulations, diseases of animals	1909	232	362
105, repealed	Rights of federal inspectors	1909	232	362
106	Veal	1910	561	1393
160	Commercial feeding stuffs	1909	317	588
160	Commercial feeding stuffs	1910	436	817
161	Statements on package	1909	317	589
161	Statements on package	1911	314	730
162	Statements filed with commissioner	1909	317	589
162	Statements to be filed	1911	314	731
163	License fee	1909	317	590
165	Adulterated meal	1909	317	591
220–224	Commercial fertilizers	1910	435	813
240	Turpentine; linseed or flaxseed oil	1911	816	2313
242	Turpentine; linseed or flaxseed oil	1911	816	2314
262	Sale of apples, pears and peaches	1911	511	1168
291, 293	State fair commission	1910	366	658
304	Plant diseases; insect pests	1909	222	347
304	Plant diseases; insect pests	1911	798	2106
305	Infected nursery stock	1909	222	350
305	Infected nursery stock	1911	798	2109
	BANKING LAW: (L. 1909, ch. 10, constituting cons. laws, ch. 2.)			
Preamble; §§ 2, 14	Savings and loan associations	1910	126	188
19	Delinquent corporations and individual bankers	1910	452	875
21	Reports of savings and loan associations	1910	126	193
21	Reports to superintendent of banks	1911	707	1906
27, subd. 3	Loans upon real estate	1909	410	888
27, subd. 3	Savings and loan associations	1910	126	195
27, subd. 4	Purchase of evidences of debt by officers, etc	1909	402	865
27, subd. 7	Loans to officers, etc., of money corporation	1911	585	1343
27, subd. 8	Savings and loan associations	1910	126	196
27, subd. 9	Loans by banking corporations	1909	240	375
33a, 33b, added	Foreign banking corporations	1911	772	2051
38	Savings and loan associations	1910	126	196
42	Meetings of directors or trustees	1911	708	1909
44	Security by depositaries of court funds	1911	709	1910
67	Deposit of bank reserves	1909	223	353
67	Lawful money reserve; certificates of deposit	1910	399	731
67	Lawful money reserve	1911	200	468
104	Certificates of deposit	1910	399	733
159	Savings and loan associations	1910	126	197
160	School savings funds	1909	497	1199
160	Savings and loan associations	1910	126	197
186, subd. 11	Powers of trust companies	1911	687	1809
190	Security not required of trust company, when; trust fund debts preferred	1909	240	375

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	BANKING LAW — (*Continued*).			
193	Trust company investments	1909	294	532
198	Lawful money reserve, trust companies	1911	200	471
Art. 6, preamble	Savings and loan associations	1910	126	198
210–218	Savings and loan associations	1910	126	198
219	Savings and loan associations	1910	126	198
219	Savings and loan associations	1911	861	2403
220–238	Savings and loan associations	1910	126	198
304	Safe deposit companies	1911	371	851
305, added	Lien of safe deposit companies	1911	382	868
310–313	Personal loan associations	1910	127	221
	BENEVOLENT ORDERS LAW: (L. 1909, ch. 11, constituting cons. laws, ch. 3.)			
2, subd. 7	Mystic Shrine for North America	1910	145	266
2, subd. 18, added	Junior Order of United American Mechanics	1909	420	902
2, subd. 19, added	Modern Woodmen of America	1910	420	761
2, subd. 20, added	Brotherhood of the Commonwealth	1910	297	537
2, last ¶	Organization	1909	240	376
2, last ¶	Organization	1910	420	761
3	Powers	1910	420	762
7	Mystic Shrine for North America	1910	145	266
10	Mortgaging property	1911	307	722
	BUSINESS CORPORATIONS LAW: (L. 1909, ch. 12, constituting cons. laws, ch. 4.)			
2, opening ¶	Incorporation	1909	484	1172
2a, added	Corporation for practice of law prohibited	1909	484	1172
15	Water companies	1909	240	377
	CANAL LAW: (L. 1909, ch. 13, constituting cons. laws, ch. 5.)			
15, subd. 3	Sale or exchange of canal lands	1910	350	624
37	Advances to superintendent of repairs	1909	240	377
61, 64	Undertakings of division and resident engineers	1910	113	174
106	Purchasers of surplus water	1909	240	377
126a, added	Expense of operating lift or swing bridge	1911	677	1770
178	Changing names of mortgaged canal boats	1910	181	377
	CIVIL RIGHTS LAW: (L. 1909, ch. 14, constituting cons. laws, ch. 6.)			
51	Exhibition of photographs	1911	226	504

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	CIVIL SERVICE LAW: (L. 1909, ch. 15, constituting cons. laws, ch. 7.)			
14	Competitive class	1911	547	1230
20	Disbursing officers	1909	240	378
22	Removal of Spanish war veterans	1910	264	468
29, added	Examination pamphlet and civil list	1910	590	1428
	CONSERVATION LAW: (L. 1911, ch. 647, constituting cons. laws, ch. 65.)			
	COUNTY LAW: (L. 1909, ch. 16, constituting cons. laws, ch. 11.)			
10	County clerks, certain counties	1910	279	505
10	Board of supervisors, chairman	1911	250	635
12, subd. 5	Powers of boards of supervisors	1911	359	827
12, subd. 16	Supervisors in Erie county	1909	477	1162
12, subd. 26, added	Authorizing town to borrow money	1910	141	254
12, subd. 27, added	Societies for prevention of cruelty to children	1911	545	1225
12, subd. 27, added	Societies for prevention of cruelty to animals	1911	663	1747
23	Compensation of supervisors, certain counties	1910	279	506
23	Compensation of supervisors, Rockland county	1911	554	1258
35	Alteration and erection of towns	1911	250	635
38	Fire districts in two or more counties	1909	405	869
38, subds. 8, 9	Fire districts	1910	115	176
45–49, 49a–49e, added	County hospitals for tuberculosis	1909	341	641
61	County highways and bridges	1909	240	379
162	Special deputy county clerks	1911	727	1950
165	Hours, Westchester county offices	1909	199	316
168	Register of moneys paid into court	1910	160	283
169	Special deputy clerks, Queens county	1910	694	2007
194	Employment of stenographers by coroners	1910	158	282
195, subd. 4	Sheriffs	1910	418	759
203	District attorney, Niagara county	1911	95	139
215, 216, added	County auditor	1910	152	274
232, subd. 22	Salary of surrogate, Jefferson county	1910	281	509
232, subd. 23	Salary of surrogate, Kings county	1911	413	941
232, subd. 29	Salaries of county judge and surrogate, Nassau county	1910	300	539
232, subd. 31	Salary of surrogate, Oneida county	1911	203	476
232, subd. 41	Salary of county judge, Richmond county	1911	413	941
232, subd. 61	Salaries of county judge and surrogate, Nassau county	1910	300	539
232, subd. 62, added	Salary of surrogate, Kings county	1911	413	941
232, subd. 63, added	Salary of county judge, Richmond county	1911	413	941

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	COUNTY LAW — (*Continued*).			
233	Salaries and expenses of county judges	1909	122	193
233	Salaries and expenses of county judges	1909	228	358
234, added	County comptroller	1909	466	1116
235, added	County comptroller	1909	466	1117
235	County comptroller	1910	8	12
236–239, 239a, added	County comptroller	1909	466	1119
240, subd. 4	Compensation of court criers	1910	34	51
241a, added	Compensation of supervisors and assessors attending tax meetings	1911	51	72
	DEBTOR AND CREDITOR LAW: (L. 1909, ch. 17, constituting cons. laws, ch. 12.)			
Art. 2	Schedule of sections	1909	240	379
189	Distribution of moneys	1909	240	379
	DECEDENT ESTATE LAW: (L. 1909, ch. 18, constituting cons. laws, ch. 13.)			
Art. 2	Schedule of sections	1909	240	380
18–20, repealed	Devise or bequest to certain corporations	1911	857	2399
44	Recording foreign will	1909	240	380
45	Authentication of foreign wills	1909	304	571
47	Validity and effect of testamentary dispositions	1911	244	614
48, added	Application of certain sections	1909	240	381
98, subd. 12	Representation among collaterals	1909	240	380
103	Action against husband for debts of deceased wife	1909	240	381
104, added	Application of certain sections	1909	240	381
120 renumbered 122	Appraisal of estate	1909	240	382
120, added	Actions by or against executors, etc	1909	240	381
121, added	Action by executor of executor	1909	240	382
Schedule of repeals	R. S., pt. 3, ch. 8, tit. 3, §§ 1, 2, 11, inserted	1909	240	422
Schedule of repeals	L. 1904, ch. 106, inserted	1909	240	424
	DOMESTIC RELATIONS LAW: (L. 1909, ch. 19, constituting cons. laws, ch. 14.)			
11	Solemnization of marriages	1911	610	1384
116	Abrogation of voluntary adoption	1910	154	277

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	DRAINAGE LAW: (L. 1909, ch. 20, constituting cons. laws, ch. 15.)			
Art. 2	Title	1910	624	1596
2	Petition for drainage	1910	624	1592
4	Proceedings on petition	1910	624	1593
10	Commissioners	1910	624	1593
12	Survey and maps	1910	624	1594
18	Condemnation of land	1910	624	1595
19	Application of art. 2	1910	624	1595
40	Nonpayment of assessments	1909	240	382
67	Notice of assessments	1909	240	382
	EDUCATION LAW: (L. 1909, ch. 21, constituting cons. laws, ch. 16.)			
2	Definitions	1909	240	384
381	Property to be assessed for school taxes	1909	415	899
383	Determination of values	1909	415	899
387a, added	School taxes, Rockland county	1909	263	460
462, added	Moneys for training of teachers	1909	406	874
530, repealed	Compulsory education	1909	409	880
531–538 renumbered 530–538, and amended	Compulsory education	1909	409	880
641	Regulations for training classes	1909	406	875
962, added	Sewers through lands of New York State School for Blind	1910	53	91
1061	Librarian, Barnard Memorial Library	1909	141	218
1121, subds. 1, 2	Trustees, Cornell University	1909	404	867
1182	State School of Agriculture at Morrisville	1909	252	443
Schedule of repeals	L. 1909, ch. 1, inserted	1909	240	425
All	Generally revised and amended (*Section numbers, etc., hereafter given are those of this amendatory act.*)	1910	140	254
63, repealed	Dissolution of educational corporations	1911	860	2402
63, added	Dissolution of educational corporations	1911	860	2402
99, added	Reports, etc., filed with commissioner of education	1911	159	252
130–132, 134, repealed	Division of union free school districts	1911	334	774
194	Time of school district meetings	1910	442	825
206, subd. 5	School district treasurer	1910	442	826
224, subd. 4	School year defined	1910	442	827
301, subd. 2	Union free school district trustees	1910	442	827
303, subd. 6	School district meetings	1910	442	825
306	Boards of education, annual meetings	1911	830	2337
310, subd. 21, added	Medical inspection of children	1910	602	1445

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	EDUCATION LAW — (*Continued*).			
321	Records and reports of boards of education	1910	442	827
Art. 14	District superintendents	1910	607	1545
410	Assessment of school taxes	1911	830	2338
435	Unpaid school taxes	1910	284	512
440, subd. 2	School tax on state lands, Dutchess county	1911	593	1357
464	Acquisition of sites for schoolhouses	1911	782	2088
561, subd. 2, amended; subd. 3, added	Contracts for employment of teachers	1910	442	826
621	Compulsory education, blind children	1911	710	1911
979, 980	Tuition and maintenance of deaf-mute children	1910	322	568
1050, 1052, amended; 1053, added	St. Lawrence University	1910	433	828
1075–1078, added	State school of agriculture, Cobleskill	1911	852	2385
1095–1099, added	Retirement fund for teachers in state institutions	1910	441	823
1100-1108, 1108a, 1109, 1109a, 1109b, added	State teachers' retirement fund	1911	449	1006
1118	Establishment of county libraries	1911	815	2311
1163	Appellate division, first department, law library	1911	832	2340
1166	Supreme court library, New York city	1911	832	2340
1177	Supreme court library, Buffalo	1911	58	78
1180, added	Supreme court library, Queens county	1911	557	1262
1180, added	City court, New York, law library	1911	824	2330
	ELECTION LAW: (L. 1909, ch. 22, constituting cons. laws, ch. 17.)			
Schedule of articles	Generally	1911	891	2657
Art. 1, schedule of sections	Generally	1911	891	2658
Art. 2, tit.	Definitions	1911	649	1666
2	Definitions	1911	649	1666
2, added	Application of certain articles	1911	891	2658
2 renumbered 3, and amended	Definitions	1911	891	2658
2, subd. 8	Party, defined	1911	872	2576
2, subd. 13	"Independent body," defined	1911	872	2576
3, repealed	Notice of primary	1911	891	2726
Art. 2, schedule of sections	Enrollment of voters	1911	891	2661
4, repealed	Organization and conduct of primaries	1911	891	2726
5, repealed	Qualifications of voters at primaries	1911	891	2726
6, repealed	Duties of chairman of primary	1911	891	2726
7, repealed	Watchers; canvass of votes at primary	1911	891	2726
9, added	Delivery of enrollment blanks, registration not personal	1911	891	2666
13, added	Certification and secrecy of enrollment, registration not personal	1911	891	2668

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	ELECTION LAW — (*Continued*).			
15, added	Enrollment in 1911	1911	891	2670
20, repealed	Application of art. 3	1911	891	2726
21, repealed	Definitions and construction	1911	649	1724
22 renumbered 4, and amended	Delivery of enrollment books	1911	891	2661
23 renumbered 5, and amended	Enrollment books	1911	891	2662
24, repealed	Enrollment books, certain cities	1911	891	2726
25 renumbered 6, and amended	Voting booths and enrollment boxes	1911	891	2662
26 renumbered 7, and amended	Enrollment blanks, and envelopes	1911	891	2663
27 renumbered 8, and amended	Delivery of enrollment blanks	1911	891	2665
28 renumbered 10, and amended	Enrollment	1911	891	2666
29 renumbered 11, and amended	Enrollment boxes	1911	891	2667
30 renumbered 12, and amended	Certification and secrecy of enrollment, registration personal	1911	891	2667
31 renumbered 14, and amended	Opening of enrollment box	1911	891	2669
32, repealed	Special enrollment	1911	891	2726
33, repealed	Special enrollment for annexed territory	1911	891	2726
34, repealed	Special enrollment upon becoming of age	1911	891	2726
Art. 3, schedule of sections	Party organization	1911	891	2677
35, repealed	Special enrollment after moving	1911	891	2726
35, added	Party committees	1911	891	2677
36 renumbered 16, and amended	Duplicate enrollment books	1911	891	2671
36, added	State committee	1911	891	2678
37 renum ered 17, and amended	Duplicate enrollment books at unofficial primaries	1911	891	2671
37, added	Election of committees	1911	891	2679
38 renumbered 18, and amended	Original enrollment books at official primaries	1911	891	2671
38, added	Organization and rules of committees	1911	891	2680
39 renumbered 19, and amended	Right to enroll and vote at primaries	1911	891	2672
39, added	Review of election of committees	1911	891	2680
40 renumbered 20	New enrollment books for changed districts	1911	891	2672
40, added	Removal of member of committee	1911	891	2681
41 renumbered 21, and amended	Transcripts of enrollment	1911	891	2673
42 renumbered 22, and amended	Publication of enrollment	1911	891	2673
43 renumbered 23, and amended	Judicial review of enrollment	1911	891	2674

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	ELECTION LAW — (*Continued*).			
44 renumbered 24, and amended	Correction of enrollment	1911	891	2676
Art. 4, schedule of sections	Generally	1911	891	2681
45, repealed	Times and purposes of official primaries	1911	891	2726
45, added	Direct nominations, election of delegates	1911	891	2681
45, subd. 4	Official primary elections	1909	240	385
46, repealed	Congressional primaries	1911	891	2726
46, added	Designations by party committees	1911	891	2682
47 renumbered 73, and amended	Expense of official primaries	1911	891	2696
47, added	Meetings of committees for designations	1911	891	2683
48 renumbered 74, and amended	Primary districts, officers and polling places	1911	891	2697
48, added	Designation by petition	1911	891	2684
49 renumbered 75, and amended	Notice of official primary	1911	891	2698
49, added	Filing of designations	1911	891	2686
50 renumbered 92, and amended	Unofficial primaries	1911	891	2712
50, added	Declinations	1911	891	2687
51 renumbered 76	Restrictions as to place of primaries	1911	891	2699
51, added	Certification by secretary of state	1911	891	2687
52, repealed	Primary election officers	1911	891	2726
52, added	Vacancies how filled	1911	891	2687
53, repealed	Appointment and removal, primary election officers	1911	891	2726
53, added	Delegates to national conventions	1911	891	2689
54, repealed	Chairman; inspectors; oath	1911	891	2726
54, added	Presidential electors	1911	891	2689
55, repealed	Ballots, booths and supplies	1911	891	2726
55, added	Existing committees continued	1911	891	2690
56, repealed	Voting at official primary elections	1911	891	2726
56, added	Contest; judicial review	1911	891	2690
57 renumbered 72	Challenges at primaries	1911	891	2696
57, added	Emblems	1911	891	2691
58 renumbered 83, and amended	Persons within guard-rail	1911	891	2704
58, added	Official primary ballot	1911	891	2692
59 renumbered 84, and amended	Watchers; challengers; electioneering	1911	891	2704
60 renumbered 85, and amended	Canvass of votes	1911	891	2705
61	Proclamation of result	1909	240	385
61 renumbered 87, and amended	Proclamation of result	1911	891	2709
62 renumbered 88, and amended	Certificates of election; preservation of ballots	1911	891	2709
63, repealed	Canvass, statement of result	1911	891	2726
64, repealed	Committees; rules and regulations of parties	1911	891	2726
65, repealed	Organization of committees	1911	891	2726
66 renumbered 111, and amended	Apportionment of delegates	1911	891	2714

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	ELECTION LAW — (*Continued*).			
67 renumbered 112, and amended	Organization of conventions	1911	891	2715
68, repealed	Contested seats	1911	891	2726
69, repealed	Substitution of delegates	1911	891	2726
Art. 4a, schedule of sections, added	Conduct of primary elections	1911	891	2695
70, repealed	Jurisdiction of courts	1911	891	2726
70, added	Organization and conduct of official primaries	1911	891	2695
71, repealed	Direct nomination at primary elections	1911	891	2726
71, added	Qualifications of voters at official primaries	1911	891	2696
72, repealed	Application of art. 3 to political parties	1911	891	2726
73, repealed	Application of art. 3 to certain cities	1911	891	2726
74 renumbered 94, and amended	Perjury	1911	891	2713
77, added	Vacancies, boards of primary election officers	1911	891	2699
78, added	Primary poll-clerks	1911	891	2699
79, added	Ballots, booths and supplies	1911	891	2700
80, added	Delivery of ballots and manner of voting	1911	891	2702
81, added	Unofficial ballots at primary elections	1911	891	2703
82, added	Preparation of ballots by voters	1911	891	2703
86, added	Intent of voters	1911	891	2706
89, added	Canvass; certificates of nomination or election	1911	891	2710
90, repealed	Territory excepted from art. 4	1911	891	2726
90, added	Vacancies; determination of tie vote	1911	891	2711
91, repealed	Application of art. 4	1911	891	2726
91, added	Party nominations for special elections and vacancies	1911	891	2712
92, repealed	Enrollment books	1911	891	2726
93, repealed	Entries in enrollment books	1911	891	2726
93, added	Penalty for violation of certain provisions	1911	891	2713
94, repealed	Special enrollments	1911	891	2726
95, repealed	Special enrollment upon becoming of age	1911	891	2726
96, repealed	Special enrollment after moving	1911	891	2726
97, repealed	County clerks to compile enrollment lists	1911	891	2726
98, repealed	Enrollment lists, when to take effect	1911	891	2726
99, repealed	Who may be enrolled	1911	891	2726
100, repealed	Enrollment lists and statements to be public records	1911	891	2726
101, repealed	Conduct of primary elections	1911	891	2726
102, repealed	Judicial review	1911	891	2726
103, repealed	Expenses of enrollment lists	1911	891	2726
104, repealed	Penalty	1911	891	2726
Art. 4b, schedule of sections, added	Conventions	1911	891	2714
110, added	Vacancy, delegate to convention at official primary	1911	891	2714
113, added	State conventions; credentials of delegates	1911	891	2715
114, added	Voting at state conventions	1911	891	2716
120, repealed	Party nominations	1911	891	2726
121	Party certificates of nominations	1911	891	2716
122	Independent nominations	1911	891	2717
123	Independent certificates of nomination	1911	649	1668
125	Conflict in names or emblems	1911	649	1670
127	Places of filing certificates of nomination	1911	891	2718
128	Times of filing certificates of nomination	1911	891	2719
129	Certification of nominations by secretary of state	1911	891	2719

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	ELECTION LAW — (*Continued*).			
130	Publication of nominations	1911	891	2720
131	Lists for town clerks and aldermen	1911	891	2721
133	Declination of nomination	1911	891	2721
134	Objections to certificates of nomination	1911	649	1670
135	Filling vacancies in nominations	1911	891	2722
136	Certificates of new nominations	1911	891	2723
137	Death of candidate; official pasters	1911	891	2723
150	Meetings for registration	1911	649	1671
151, repealed	Additional meetings for registration	1911	649	1724
152	Registration	1910	428	790
152	Registration	1911	649	1671
153	Registration	1911	649	1672
153	Registration	1911	740	1974
155	Registration	1910	428	790
155	Registration	1911	649	1673
156, repealed	Registration	1911	649	1724
157–160	Registration	1911	649	1676
161	Registration for village elections	1910	424	784
169	Challenging applicants for registration	1910	428	795
169	Challenging applicants for registration	1911	649	1680
170, 171	Challenging applicants for registration	1911	649	1681
180	Custody of registers after election	1911	649	1682
181	Certifying number of registered electors	1911	649	1682
Art. 7, tit.	Boards of elections	1911	649	1683
190	Boards of elections	1911	649	1683
190	Boards of elections	1911	740	1976
191–198	Boards of elections	1911	649	1683
200	Boards of elections, expenses	1911	649	1687
202, added	Custodian of primary records	1911	649	1688
203, added	Official seal of board of election	1911	649	1688
204, added	Filing statements of canvass, etc	1911	649	1688
205, added	Notices of elections	1911	649	1689
206, added	Transfer of records	1911	649	1689
207, added	Boards of elections, rules and regulations	1911	649	1689
208, added	Records	1911	649	1689
210–215, repealed	Commissioner of elections, Erie county	1911	649	1724
216	Seal for commissioner of elections, Erie county	1910	433	811
216, repealed	Commissioner of elections, Erie county	1911	649	1724
217, repealed	Commissioner of elections, Erie county	1911	649	1724
218	Commissioner of elections, Erie county	1910	431	807
218, repealed	Commissioner of elections, Erie county	1911	649	1724
219	Commissioner of elections, Erie county	1910	431	807
219, repealed	Commissioner of elections, Erie county	1911	649	1724
220, repealed	Commissioner of elections, Erie county	1911	649	1724
221	Commissioner of elections, Erie county	1910	431	807
221, repealed	Commissioner of elections, Erie county	1911	649	1724
230–242, repealed	Commissioner of elections, Monroe county	1911	649	1724
250–252, repealed	Commissioner of elections, Onondaga county	1911	649	1724
253	Official seal of commissioner of elections, Onondaga county	1910	172	320

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	ELECTION LAW — (*Continued*).			
253, repealed	Commissioner of elections, Onondaga county	1911	649	1724
254–260, repealed	Commissioner of elections, Onondaga county	1911	649	1724
270–281, repealed	Commissioner of elections, Westchester county	1911	649	1724
291	Time of opening and closing polls	1911	649	1690
292	Vacancies in elective offices	1911	891	2725
293	Notices of elections	1911	649	1690
294	Notice of submission of proposed constitutional amendments and propositions	1910	446	833
299	Designation of places for registry and voting	1910	428	796
305	Election officers, examination as to qualifications	1911	649	1691
316	Ballot boxes	1911	649	1691
331	Form of general ballots	1911	649	1692
331	Form of general ballots	1911	872	2576
341	Providing ballots and stationery	1911	649	1697
352	Watchers	1910	428	797
352	Watchers; challengers; electioneering	1911	649	1698
355	Poll clerks, general duties	1911	649	1699
355, subd. 2	Comparison of signatures	1910	428	798
358	Preparation of ballots by voters	1911	296	700
361	Challenges	1910	428	801
361	Challenges	1911	649	1701
362	Challenges	1910	428	801
362	Preliminary oath	1911	649	1702
368	Intent of voters	1911	296	701
368	Intent of electors	1911	649	1703
372	Statement of canvass, delivery to police	1911	649	1706
377	Filing election papers	1911	649	1706
378	Filing of papers, New York city	1911	274	670
378	Filing of papers, New York city	1911	649	1707
379, repealed	Metropolitan district, additional requirements	1911	649	1724
392	Voting machines, requirements	1911	649	1708
397	Voting machines, form of ballots	1911	649	1709
400	Preparation of voting machine	1911	649	1709
401	Voting machines, instruction of election officers	1911	649	1711
413	Canvass and proclamation of vote	1909	240	386
413	Voting machines, canvass of vote	1911	649	1711
415	Voting machines	1909	465	1115
419	Change in boundaries of election districts	1911	542	1222
430	County board of canvassers	1910	432	809
Art. 18, tit.	State superintendents of elections	1911	649	1713
470, repealed	Metropolitan elections district	1911	649	1724
471	State superintendent of elections	1909	240	388
471	State superintendents of elections	1911	649	1713
472–479	State superintendents of elections, deputies; powers and duties	1911	649	1714
480	Reports by hotel keepers	1911	649	1718
481, 482	Affidavits by hotel keepers holding liquor licenses	1911	649	1719
483	Reports by police and certain departments	1911	649	1720
484	Lists of voters in lodging-houses, etc	1911	649	1721
485	Card lists of registered electors	1911	649	1722

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	ELECTION LAW — (*Continued*).			
486	Removal of deputies	1911	649	1723
487	Salaries and expenses, superintendents of elections and employees	1911	649	1723
488	Annual report, state superintendents of elections	1911	649	1724
489, added	Authority of state superintendent of elections	1911	891	2725
518	Application of provisions of penal law	1909	240	388
540–542, 544, 546	Expenditure of money at primary elections	1910	429	803
548	Statements of campaign receipts and expenses	1910	438	820
562, added	Party funds not to be expended for primary purposes	1911	891	2726
	EXECUTIVE LAW: (L. 1909, ch. 23, constituting cons. laws, ch. 18.)			
20	Salary of secretary of state	1910	691	2003
40	Salary of comptroller	1910	691	2004
41	Deputies to the comptroller	1910	189	357
41	Deputies to the comptroller	1911	568	1294
43	Supervision of money paid into court	1910	193	364
45, added	Posting of bulletins by comptroller	1910	159	282
45, added	Examiners appointed by comptroller	1911	213	488
50	Salary of state treasurer	1910	691	2004
52	Deputy state treasurer	1909	268	469
60	Salary of attorney-general	1910	691	2004
60	Clerk hire and expenses of attorney-general	1911	204	477
61	Attorney-general, deputies	1911	204	477
62, subd. 2	Attorney-general, expenses	1911	14	17
65	Counsel employed by attorney-general	1911	791	2098
70	Salary of state engineer	1910	691	2005
100	State superintendent of weights and measures	1910	698	2016
104	Fees paid by notaries public	1909	240	388
105	Notaries public	1911	668	1756
	FOREST, FISH AND GAME LAW: (L. 1909, ch. 24, constituting cons. laws, ch. 19.)			
2	Commissioner	1909	474	1136
4	Office force	1909	474	1137
6	Disposal of game and fish seized	1911	438	976
8	Summary of law	1909	533	1336
8	Compilation and distribution of law	1911	423	957
11	Game protectors	1909	474	1137
11	Number of game protectors	1910	675	1951
13	Compensation of protectors	1909	474	1138
13	Compensation of protectors	1910	657	1753
14	Powers of protectors	1909	474	1139
19	Actions for penalties	1911	835	2343
20	Costs, actions by the people	1911	835	2344
21	Moneys recovered, actions by the people	1911	835	2344

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	FOREST, FISH AND GAME LAW — (*Continued*).			
32a, added	Game and bird refuges	1910	657	1754
37	Boundaries of Saint Lawrence reservation	1910	313	557
40	Powers of commissioner	1909	474	1139
40	Powers of commissioner	1910	657	1755
40, subd. 6	Compromise of actions, approval by governor	1911	835	2344
47	Description of land appropriated for forest preserve	1911	835	2345
56	Cutting timber	1909	474	1141
67	Auditor of fire accounts and fire inspections	1909	474	1141
68	Fire patrol by railroads	1909	474	1141
69	Fire districts and patrols	1909	474	1142
69	Fire districts and patrols	1910	657	1756
70	Superintendents of fire	1909	474	1143
71	Compensation of fire patrolmen and fire fighters	1909	474	1145
72	Railroads in forest lands	1910	476	916
73	Fires to clear land	1909	474	1146
73	Fires to clear land	1910	657	1757
73	Fires to clear land	1911	529	1202
74	Forest fires prohibited	1909	474	1146
74	Forest fires prohibited	1910	657	1758
75a, added	Suspension of open season	1909	474	1147
75b, added	Statistics of forest products	1909	474	1148
76	Deer; open season	1909	474	1148
76	Deer; open season	1910	657	1759
76	Deer; open season	1911	583	1341
77	Possession of deer or venison	1909	474	1149
77	Possession of deer or venison	1910	657	1760
77	Possession of deer or venison	1911	438	976
78	Transportation of deer	1909	474	1149
78	Transportation of deer	1910	657	1760
78a, added	Breeding and sale of elk and deer	1911	438	977
80	Wild moose, elk, caribou and antelope	1911	438	976
81	Black and gray squirrels	1910	657	1761
81	Black and gray squirrels	1911	438	977
81	Black and gray squirrels	1911	592	1354
82	Hares and rabbits	1909	240	380
82	Hares and rabbits	1909	474	1150
82	Hares and rabbits	1910	657	1761
82	Hares and rabbits	1911	438	977
82	Hares and rabbits	1911	635	1439
84	Mink, skunk, muskrat and sable	1909	474	1150
84	Mink, skunk, muskrat and sable	1910	657	1761
84	Mink, skunk, muskrat and sable	1911	238	517
84a, added	Propagation of skunks	1911	238	517
85a, added	Sale of game prohibited	1911	438	980
86	Penalties	1911	438	980
87	Wild fowl; open season	1910	657	1762
87	Wild fowl; open season	1911	438	981
88	Ducks, geese, brant and swan	1909	474	1150
88	Manner of killing wild fowl	1910	657	1763
88	Manner of killing wild fowl	1911	438	981
89	Quail; open season	1911	438	981
90	Woodcock; open season	1911	438	981

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	FOREST, FISH AND GAME LAW — (*Continued*).			
91	Grouse; open season	1909	474	1150
91	Grouse; open season	1911	438	982
92	Grouse, woodcock and quail, sale prohibited	1909	474	1150
92	Grouse, woodcock and quail not to be bought	1910	657	1763
92, repealed	Grouse, woodcock and quail not to be sold or bought	1911	438	982
92, added	Sale of dead game and song birds prohibited	1911	438	982
93	Woodcock, grouse and quail not to be possessed	1910	657	1764
93	Woodcock, grouse and quail not to be possessed	1910	664	1862
93	Woodcock, grouse and quail not to be possessed	1911	438	982
96	Pheasants	1910	657	1764
96	Pheasants	1911	170	269
96	Pheasants	1911	627	1423
96a, added	Breeding of pheasants, mallard and black ducks	1911	438	983
96b, added	Mammals and birds, importation and sale	1911	438	985
96c, added	Fees for affixing tags	1911	438	985
98	Wild birds protected	1909	474	1151
98	Sale of plumage of birds	1910	256	459
103	Birds and game not to be transported	1910	657	1765
104	Hunting license	1911	854	2392
105	Penalties	1910	657	1765
106	Trout; open season	1909	474	1152
106	Trout; open season	1910	657	1766
106	Trout; open season	1911	188	426
106	Trout; open season	1911	592	1354
109	Lake trout and whitefish; open season	1909	474	1152
109	Lake trout and whitefish; open season	1910	657	1766
109	Lake trout and whitefish; open season	1910	663	1861
109	Lake trout and whitefish; open season	1911	582	1339
113, repealed	Salmon. (*See note, L.* 1909, *p.* 1136)	1909	474	1136
115	Black bass	1910	657	1767
117	Pickerel and pike	1909	474	1153
117	Blue pike, Lake Ontario	1911	312	728
122	Tip-ups	1910	657	1767
123	Eel weirs and pots	1910	657	1767
124	Taking minnows for bait	1909	474	1153
124	Taking minnows for bait	1911	592	1355
126	Frostfish and whitefish	1909	474	1153
126	Frostfish and whitefish taken with nets	1910	657	1768
128	Thumping, Dutchess county	1911	591	1353
134	Obstruction of streams	1909	474	1154
135	Explosives prohibited	1910	657	1768
143	Penalties	1910	657	1769
146	Nets in Chaumont bay and adjacent waters	1909	474	1154
147	Nets in Wappinger's creek	1910	657	1769
147	Nets in Hudson and Delaware rivers	1911	591	1353
150	Fishing in Seneca and Cayuga lakes	1909	474	1154
150	Spearing in Cayuga lake	1911	299	710
150	Fishing in Seneca and Cayuga lakes	1911	582	1340
151	Fishing in Otsego lake	1910	657	1770
152	Fishing in Chautauqua and Cattaraugus counties	1909	474	1155
152	Fishing in Chautauqua and Cattaraugus counties	1911	592	1356
153	Spearing, hooking and set lines	1909	474	1155
153	Spearing, hooking and set lines	1910	657	1770

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

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	FOREST, FISH AND GAME LAW — (*Continued*).			
153	Spearing, hooking and set lines	1911	580	1336
153	Spearing, hooking and set lines	1911	590	1351
154	Warren, Essex, Washington and Saratoga counties, certain waters	1910	657	1772
154	Pike-perch and pike and perch, Lake George	1911	530	1204
154	Fishing in Lake George	1911	636	1440
154a, added	Open season, certain fish, Schuyler county	1911	377	860
154b, added	Spearing suckers, Schuyler and Chemung counties	1911	378	861
154b, added	Fishing with set lines, Schuyler county	1911	589	1350
157	Suckers, Sullivan county	1910	655	1752
157	Suckers, Ulster county	1911	508	1165
168	Deer, Long Island district	1910	657	1772
170	Wild fowl, Long Island district	1910	657	1772
170a, repealed	Brant, Long Island district	1910	657	1773
174a	Pheasants and woodcock on Robbins and Gardners islands	1910	656	1753
184	Superintendent of marine fisheries	1909	240	390
187, repealed	Duties of superintendent of marine fisheries	1911	647	1550
188, repealed	Reports of superintendent of marine fisheries	1911	647	1550
195–204, repealed	Shellfish	1911	647	1550
207, repealed	Polluting waters	1911	647	1550
208, repealed	Garbage, Long Island sound	1911	647	1550
210–215, repealed	Shellfish grounds; oyster beds	1911	647	1550
224	Leases of land for shellfish culture	1909	240	390
224, repealed	Lands for shellfish culture	1911	647	1550
240	Definitions	1909	474	1156
240, subd. 14	Open season, defined	1911	171	270
240, subd. 18, added	Plumage of birds, defined	1910	256	459
241	Storage in close season	1911	438	985
	GENERAL BUSINESS LAW: (L. 1909, ch. 25, constituting cons. laws, ch. 20.)			
2–4	Standards of weights and measures	1910	187	351
5	Units of capacity of measure	1909	414	898
5a, 5b, added	Milk and cream bottles	1910	470	909
8	Number of pounds to the bushel	1910	187	353
11	State superintendent of weights and measures, duties	1910	187	353
13	County sealers	1910	187	354
14, repealed	Town sealers	1910	187	356
15, 16 renumbered 14, 15, and amended	Local sealers	1910	187	355
17, repealed	Standards in possession of state superintendent	1910	187	356
20, repealed	Conduct of auction sales	1911	571	1326
25, added	Private banking	1910	348	614
25	Private banking	1911	393	896
25, added	Books to be kept by auctioneers	1910	640	1712
26, added	Private banking	1910	348	617

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	GENERAL BUSINESS LAW—(*Continued*).			
26, added	Books to be kept by auctioneers	1910	640	1713
27, added	Private banking	1910	348	618
27	Private banking	1911	393	900
27, added	Books to be kept by auctioneers	1910	640	1713
28, added	Private banking	1910	348	618
28	Private banking	1911	393	900
28, added	Books to be kept by auctioneers	1910	640	1713
29, added	Private banking	1910	348	618
29a, added	Private banking	1910	348	618
29a	Private banking	1911	393	900
29b–29c, added	Private banking	1910	348	618
29d, added	Private banking	1910	348	618
29d	Private banking	1911	393	901
29e, added	Private banking	1910	348	618
29e	Private banking	1911	393	902
29f, 29g, added	Private banking	1910	348	618
40	Pawnbroker's license, certain cities	1909	240	391
41	Licenses, how obtained; penalty	1909	240	391
70	Private detectives	1909	529	1323
70	Private detectives	1910	515	1190
71	Private detectives	1909	529	1323
71	Private detectives	1910	515	1191
72	Private detectives	1909	529	1325
72	Private detectives	1910	515	1193
73	Private detectives	1909	529	1325
73	Private detectives	1910	515	1194
73a–73c, added	Private detectives	1910	515	1195
74	Private detectives	1909	529	1326
74	Private detectives	1910	515	1196
74a, 74b, added	Private detectives	1910	515	1197
75	Private detectives	1909	529	1326
75	Private detectives	1910	515	1197
76, added	Private detectives	1910	515	1198
85–88, added	Certified shorthand reporters	1911	587	1346
150, repealed	Ticket agents	1910	348	621
150, repealed	Ticket agents	1910	349	622
150, added	Ticket agents	1910	349	622
150	License to sell transportation tickets	1911	578	1334
151, repealed	Ticket agents	1910	348	621
151, repealed	Ticket agents	1910	349	622
151, added	Ticket agents	1910	349	622
152, repealed	Ticket agents	1910	348	621
152, repealed	Ticket agents	1910	349	622
152, added	Ticket agents	1910	349	622
153, repealed	Ticket agents	1910	348	621
153, repealed	Ticket agents	1910	349	622
153, added	Ticket agents	1910	349	622
154, repealed	Ticket agents	1910	348	621
154, repealed	Ticket agents	1910	349	622
154, added	Ticket agents	1910	349	622
Art. 11	Employment agencies	1910	700	2021
207	Inn-keeper's lien	1910	215	395

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	GENERAL BUSINESS LAW — (*Continued*).			
208	Inn-keeper's lien	1910	215	395
209, added	Inn-keeper's lien	1910	215	397
209, added	Exhibitions of moving pictures	1911	756	2018
210–212, added	Exhibitions of moving pictures	1911	756	2018
341	Monopolies	1910	633	1672
345	Monopolies	1910	394	724
367, added	Trademarks	1909	475	1157
383–389, 389a, added	Sale of coal, coke and charcoal	1911	825	2331
391	Small fruit packages or baskets	1909	414	898
	GENERAL CITY LAW: (L. 1909, ch. 26, constituting cons. laws, ch. 21.)			
4, repealed	Filing financial reports with secretary of state	1910	217	399
12	Money for Memorial day, cities of third class	1909	288	522
13	Moneys, how expended	1909	288	522
13a, added	Moneys for annual conference of city officials	1911	622	1417
17	Crematories for disposal of garbage	1910	467	907
18, added	License to operate moving picture apparatus	1911	252	637
60–68, added	Regulation of plastering	1911	156	249
Art. 8 (§§ 120–122) renumbered art. 11a (§§ 165–167)	Art commission	1911	718	1937
Art. 8 (§§ 120–129, 129a–129c), added	Dog license, third class cities	1911	718	1937
150–160, repealed	Protection of purchasers of coal	1911	825	2334
	GENERAL CONSTRUCTION LAW: (L. 1909, ch. 27, constituting cons. laws, ch. 22.)			
20	Method of computing time	1910	347	613
24	Columbus day	1909	112	174
	GENERAL CORPORATION LAW: (L. 1909, ch. 28, constituting cons. laws, ch. 23.)			
Schedule of articles	Receivers	1909	240	392
6	Corporate names	1911	638	1444
12	Property of nonstock corporations	1909	276	483
12	Property of nonstock corporations	1911	581	1339
20	Real estate of foreign corporations	1910	68	112
22	Prohibition of banking powers	1911	771	2050
38	Revival of corporate existence	1911	63	87

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

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	GENERAL CORPORATION LAW — (*Coutinued*).			
60, 62, 63	Change of names of certain kinds of corporations	1910	296	534
106	Permanent receiver	1909	240	392
155	Notice to creditors by receiver	1909	240	392
158	Notice of accounting by receiver	1909	240	393
160	Claims, when barred	1909	240	394
174	Petition for voluntary dissolution	1909	240	394
178	Action upon petition	1909	240	395
191	Permanent receiver	1909	240	396
225, added	Security of receiver	1909	240	396
226, added	Removal of receiver; new bond	1909	240	397
227, added	Notice to sureties upon accounting	1909	240	397
232	Receiver's title	1909	240	397
269	Notice of final accounting	1909	240	397
	GENERAL MUNICIPAL LAW: (L. 1909, ch. 29, constituting cons. laws, ch. 24.)			
6	Funded debts	1910	677	1965
10	Registry of municipal bonds	1910	129	228
21, added	Maximum rate of interest on municipal bonds	1911	573	1327
22–29, added	Legalizing bonds or proceedings for issuance	1911	769	2044
30	Financial reports of municipal corporations	1911	544	1224
34	Compensation of examiners of municipal accounts	1910	301	540
76	Water rights, certain counties	1909	240	398
126–135, added	Public general hospitals	1910	558	1277
136–139, 139a, 139b, added	Colonies for inebriates; boards of inebriety	1911	700	1881
140–143, 145	Trusts for aiding and instructing children	1910	163	299
200a, added	Volunteer firemen	1910	119	182
202	Certificate of exempt volunteer fireman	1909	240	398
	HIGHWAY LAW: (L. 1909, ch. 30, constituting cons. laws, ch. 25.)			
2	Definition of construction	1911	646	1482
3	Classification of highways	1910	567	1400
11	State commission of highways	1911	646	1483
12	State superintendent of highways, oath of office, undertaking	1911	646	1484
14	Salaries and expenses	1911	646	1484
16	Division of state; division engineers	1911	646	1485
17	Duties of division engineers	1911	646	1485
30	Expenses of county superintendent	1910	567	1401
31	County superintendent	1910	224	409
33	Duties of district or county superintendent	1911	646	1486
33, subd. 2a, added	Statements of amounts necessary for county roads	1910	567	1401

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	HIGHWAY LAW — (*Continued*).			
47, subd. 7	Removal of weeds and brush	1910	567	1402
53a, added	Temporary obstruction of highways	1910	567	1402
54	Weeds and obstructions	1911	151	243
59a, added	Interest on damages for change of grade	1910	701	2035
77	Closing highways for repair	1911	646	1457
78, added	Labor system for removing snow	1909	488	1176
78	Labor system for removing snow	1910	136	243
79, added	Assessment of labor for removal of snow	1909	488	1176
79	Assessment of labor for removal of snow	1910	136	243
80, added	Lists of persons assessed for removal of snow	1909	488	1177
81, added	Appeals by non-resident; separate assessments; tenants	1909	488	1177
81, added	District foremen; levy of unworked taxes	1910	136	245
81 renumbered 82, and amended	Appeals by non-resident; separate assessments; tenants	1910	136	245
120, subd. 1	State highway, route 1	1911	570	1287
120, subd. 2	State highway, route 2	1910	648	1744
120, subd. 3a, added	State highway, route 3a	1911	260	647
120, subd. 4	State highway, route 4	1911	96	142
120, subd. 4	State highway, route 4	1911	747	2007
120, subd. 4a, added	State highway, route 4a	1911	807	2132
120, subd. 5	State highway, route 5	1910	573	1409
120, subd. 5a, added	State highway, route 5a	1911	616	1382
120, subd. 5b, added	State highway, route 5b	1911	784	2089
120, subd. 6	State highway, route 6	1910	573	1409
120, subd. 6	State highway, route 6	1911	472	1076
120, subd. 6a, added	State highway, route 6a	1911	660	1744
120, subd. 7	State highway, route 7	1911	261	648
120, subd. 7	State highway, route 7	1911	751	2014
120, subd. 14	State highway, route 14	1910	648	1745
120, subd. 15	State highway, route 15	1911	752	2015
120, subd. 18	State highway, route 18	1911	89	127
120, subd. 23	State highway, route 23	1910	573	1411
120, subd. 26	State highway, route 26	1910	573	1411
120, subd. 30	State highway, route 30	1910	648	1745
120, subd. 30	State highway, route 30	1911	716	1935
120, subd. 30a, added	State highway, route 30a	1910	650	1748
120, subd. 32	State highway, route 32	1910	648	1746
120, subd. 32	State highway, route 32	1911	179	280
120, subd. 37	State highway, route 37	1910	648	1746
120, subd. 38, added	State highway, route 38	1909	504	1280
120, subd. 39, added	State highway, route 39	1910	649	1747

I. CHANGES IN THE CONSOLIDATED LAWS, 1909-1911 — (*Continued*).

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	HIGHWAY LAW — (*Continued*).			
120, subd. 39a, added	State highway, route 39a	1911	531	1205
120, subd. 39b, added	State highway, route 39b	1911	662	1746
120, subd. 41, added	State highway, route 41	1911	395	908
120, subd. 42, added	State highway, route 42	1911	614	1390
120, subd. 43, added	State highway, route 43	1911	166	264
120, subd. 43, added	State highway, route 43	1911	259	647
120, subd. 45, added	State highway, route 45	1911	356	810
120, subd. 46, added	State highway, route 46	1911	320	741
121	Apportionment of mileage	1911	646	1488
123	Preliminary resolution of supervisors	1909	487	1175
125	Maps and plans	1911	646	1489
126	Maps and plans	1911	646	1490
128	Final resolution of supervisors	1909	240	399
129	Cost of county highways	1910	247	437
129	Order of construction of county highways	1911	646	1490
132	Contracts for construction or improvement of highways	1911	646	1491
133	Acceptance of state highway	1911	646	1491
134	Acceptance of county highway	1911	646	1492
137	State roads through cities of third class	1910	233	421
137	County highways through cities of third class	1911	88	125
138	Connecting highways in cities of third class	1911	88	126
138a, added	State and county highways of additional width	1911	375	857
139,140	Cost of county highways	1910	247	438
142	County or town may borrow money	1909	486	1174
142	Share of counties and towns for highway improvement	1910	580	1418
143, repealed	Cost of county highways	1910	247	438
146	Railroads on highways	1911	646	1492
150	Petition to acquire lands for highways	1911	503	1157
152	Duties of commissioners appointed to condemn lands	1911	503	1158
153	Awards for lands condemned	1911	503	1159
155	Sale of unnecessary portion of highway	1911	552	1253
158, added	Superintendents of highways for Indian reservations	1910	46	73
159, added	Moneys for highways on Indian reservations	1910	46	73
159	Highways within Indian reservations	1911	646	1493
170	Maintenance of state and county highways	1911	646	1494
176	Liability of state for damages	1910	570	1406
177	Maintenance of highways in villages	1911	646	1495
178	State's share of maintaining certain county roads	1910	165	304
178	State's share of maintenance of county roads	1910	567	1402
178	County roads when to become state or county highways	1911	362	833
193	Application for condemnation commissioners	1910	344	606
200	Laying out highways	1911	624	1419

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

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	HIGHWAY LAW — (*Continued*).			
203	Towns may borrow money for highways	1911	498	1119
263, added	Abolition of toll bridges	1909	146	225
263	Resolution for abolition of toll bridges	1910	569	1404
264, added	Investigation by state commission	1909	146	225
264	Investigation by state commission	1910	569	1405
265, added	Acquisition by attorney-general	1909	146	226
266, added	Expense of acquisition	1909	146	226
267, added	Maintenance of bridge	1909	146	227
268, added	Use of toll bridge by public service corporations	1910	569	1405
Art. 11, schedule of sections	License of chauffeurs	1911	491	1106
280, repealed	Motor vehicles	1910	374	673
280, added	Motor vehicles	1910	374	673
281, repealed	Motor vehicles	1910	374	673
281, added	Motor vehicles	1910	374	673
281	Motor vehicles; definitions	1911	491	1106
282, repealed	Motor vehicles	1910	374	673
282, added	Motor vehicles	1910	374	673
282	Registration of motor vehicles	1911	491	1107
283, repealed	Motor vehicles	1910	374	673
283, added	Motor vehicles	1910	374	673
283	Motor vehicle number plates	1911	491	1110
284, repealed	Motor vehicles	1910	374	673
284, added	Motor vehicles	1910	374	673
284	Registration of motor vehicles by manufacturers and dealers	1911	491	1110
285, repealed	Motor vehicles	1910	374	673
285, added	Motor vehicles	1910	374	673
286, repealed	Motor vehicles	1910	374	673
286, added	Motor vehicles	1910	374	673
287, repealed	Motor vehicles	1910	374	673
287, added	Motor vehicles	1910	374	673
288, repealed	Motor vehicles	1910	374	673
288, added	Motor vehicles	1910	374	673
289, repealed	Motor vehicles	1910	374	673
289, added	Motor vehicles	1910	374	673
289	License of chauffeurs	1911	491	1111
290–310, repealed	Motor vehicles	1910	374	673
290–293, added	Motor vehicles	1910	374	673
330	Injuries to highways	1910	568	1403
343	Albany post road	1910	658	1773
	INDIAN LAW: (L. 1909, ch. 31, constituting cons. laws, ch. 26.)			
10	Licenses for clergymen to reside on tribal lands	1910	237	425

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

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	INSANITY LAW: (L. 1909, ch. 32, constituting cons. laws, ch. 27.)			
4	Medical inspector	1909	157	259
4	Engineers and inspectors	1911	768	2037
11	Annual reports of lunacy commission	1910	111	173
12	Mohansic State Hospital, commitment to	1910	310	552
18, repealed	State hospital attorneys (*See note, L.* 1911, *p.* 2037.)	1911	768	2037
19	Board of alienists	1910	604	1542
40	Mohansic State Hospital included	1910	310	553
40, subd. 14, added	Mohansic State Hospital for Insane, established	1910	57	95
40a, added	Mohansic State Hospital for Insane, established	1910	57	95
47	Purchasing steward, certain hospitals, abolished	1911	719	1941
51	Quarterly estimates of expenditures	1911	768	2038
54	Action to recover moneys due state hospital	1910	389	715
56	Purchases and contracts	1911	768	2039
59	Private institutions	1910	329	583
65	State hospital buildings	1911	768	2040
83	Review of proceedings and order of commitment	1909	155	256
84	Costs of medical care and nursing	1910	608	1554
85	Liability for support of indigent insane	1910	389	716
85	Poor and indigent insane	1911	768	2043
86	Liability for support of insane	1910	608	1556
87	Duties of local officers	1910	608	1556
88	Duty to care for insane; apprehension of insane persons	1910	608	1558
123	Recovery for support of patients	1909	240	400
170–172	Psychiatric institute	1910	289	524
	INSURANCE LAW: (L. 1909, ch. 33, constituting cons. laws, ch. 28.)			
6	Fees	1910	634	1672
7	Expenses of examinations	1909	301	552
7	Expenses of examinations	1910	634	1673
8, repealed	Expenses of department	1909	301	552
9	Certificate of authorization	1910	634	1674
12	Minimum capital stock	1910	634	1674
13	Deposit of securities	1910	634	1675
16	Investments	1909	240	400
16	Securities guaranty corporations	1909	302	565
16	Investment of capital and surplus	1910	634	1676
16	Investments	1911	150	240
18	Investments	1909	301	553
18	Investments	1910	634	1677
22	Reinsurance	1909	301	553
22	Reinsurance, fire and marine companies	1910	168	307
22	Reinsurance, life insurance companies	1911	369	843
24	Limitation of risk	1910	634	1678
24	Limitation of risk	1911	595	1359
25	Foreign fire and marine companies	1910	168	308

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

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	INSURANCE LAW — (*Continued*).			
26	Deposits by corporations of other states	1910	634	1679
27	Funds and capital of corporations from outside United States	1910	634	1680
28	Special deposits	1910	634	1682
30	Removal of cause to federal courts	1910	634	1682
32	Renewal of certificate of authority	1909	301	554
34	Taxation of foreign corporations	1910	634	1683
34	Taxation of foreign corporations	1911	766	2033
35	Service of process by superintendent of insurance	1911	502	1149
37	Corporations exempted	1910	634	1684
39	Examiners and examinations	1910	634	1685
44	Reports of corporations	1910	634	1686
46	Annual report of superintendent	1910	634	1687
46, subd. 4	Annual report of superintendent	1909	301	555
50	Agent's certificate of authority	1909	301	555
52	Reorganization of existing corporations	1910	634	1687
52	Reorganization of existing corporations	1911	47	65
55	Insurance without consent of insured, prohibited	1910	634	1689
56	Foreign fire and marine companies	1910	168	309
57	Application of art. 1	1909	240	402
57	Application of art. 1	1910	634	1691
57, repealed	Application of art. 1	1910	638	1708
60	Misrepresentations prohibited	1911	533	1206
63, added	Delinquent corporations	1909	300	549
63	Delinquent corporations	1910	634	1692
63	Delinquent corporations	1911	366	838
64, added	Religious orders	1910	615	1562
65, added	Rebating and discriminations prohibited	1911	416	945
70	Securities guaranty corporations	1909	302	566
70	Incorporation	1910	637	1701
70	Incorporation of casualty corporations	1911	324	757
73	Special deposits to secure registered policies and annuity bonds	1910	697	2011
74	Annual report of registered policies and annuity bonds	1911	325	760
84	Valuation of policies	1909	301	555
84	Valuation of industrial life insurance policies	1910	616	1562
86	Assets of employers' liability casualty companies	1911	183	285
88	Surrender values	1909	301	557
88	Surrender values	1909	595	1794
88	Surrender values	1910	614	1579
89	Discriminations, industrial insurance	1911	249	633
91	Agent's certificate of authority	1909	301	559
95	Conversion of stock life insurance company into mutual	1911	150	241
96	Limitation of new business	1910	697	2012
96	Limitation of new business	1911	369	845
97	Limitation of expenses	1909	301	560
97	Limitation of expenses	1910	697	2013
100	Investments by domestic life insurance companies	1911	767	2035
101, repealed	Standard forms of life insurance policies	1909	301	562
101, added	Standard forms of life insurance policies	1909	301	562
101	Standard forms of life insurance policies	1911	369	846

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

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	INSURANCE LAW — (*Continued*).			
102	Life insurance companies issuing participating policies.	1911	369	848
107, added	Standard provisions for accident and health policies..	1910	636	1696
110	Purposes of insurance	1910	168	309
110	Automobile insurance	1911	126	189
121	Standard fire insurance policy	1909	240	403
121	Standard fire insurance policy	1910	168	311
121	Lloyds	1910	638	1708
121	Standard fire insurance policy	1910	668	1923
137	Licensed agents for surplus line fire insurance	1911	322	743
138, repealed	Tax on unauthorized foreign fire insurance companies.	1909	286	520
138, added	License to issue fire insurance policies in excepted cases	1911	322	745
139, repealed	Agents of unauthorized foreign fire insurance companies	1909	286	520
140, repealed	Distribution of tax	1909	286	520
141, repealed	Collector of such tax	1909	286	520
141, added	Rate making associations	1911	460	1062
142, repealed	Reserve funds of Lloyds, etc	1910	638	1709
142, added	Agents' and brokers' certificates of authority	1911	748	2008
143, repealed	Change of name of Lloyds, etc	1910	638	1709
149, added	Foreign mutual fire insurance companies	1909	286	517
149	Foreign mutual fire insurance companies	1911	161	254
149	Foreign mutual fire insurance companies	1911	765	2030
149a, added	Tax	1909	286	519
149a	Premium or assessment tax	1911	161	256
149b, added	Agents	1909	286	519
149c, added	Distribution of tax	1909	286	520
150	Marine insurance corporations	1909	240	404
150	Marine risks	1910	168	312
150	Automobile insurance	1911	126	190
162, repealed	Lloyds, etc	1910	638	1709
170	Securities guaranty corporations	1909	302	568
170	Powers of title guaranty corporations	1911	525	1198
210	Agreements for benefits	1911	536	1212
214	Exemption of Odd Fellows and Masons	1911	536	1213
215, repealed	Deposit of securities with superintendent of insurance	1911	536	1214
218, added	Admission of minors to certain kinds of insurance	1911	176	275
230–240, repealed	Fraternal beneficiary societies	1911	198	448
230–240, added	Fraternal beneficiary societies	1911	198	448
241, added	Fraternal beneficiary societies	1909	589	1786
241, repealed	Fraternal beneficiary societies	1911	198	448
241, added	Fraternal beneficiary societies	1911	198	448
242–249, added	Fraternal beneficiary societies	1911	198	448
250	Insurance of lives of domestic animals on co-operative or assessment plan	1910	318	564
260, repealed	Town and county co-operative insurance corporations.	1910	328	583
260, added	Co-operative fire insurance companies	1910	328	574
260	Co-operative fire insurance companies	1911	323	747
261, repealed	Town and county co-operative insurance corporations.	1910	328	583
261, added	Co-operative fire insurance companies	1910	328	574
261	Co-operative fire insurance companies	1911	323	749
262, repealed	Town and county co-operative insurance corporations.	1910	328	583
262, added	Co-operative fire insurance companies	1910	328	574
262	Co-operative fire insurance companies	1911	323	750

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	INSURANCE LAW — (*Continued*).			
263, repealed	Town and county co-operative insurance corporations.	1910	328	583
263, added	Co-operative fire insurance companies	1910	328	574
264, repealed	Town and county co-operative insurance corporations.	1910	328	583
264, added	Co-operative fire insurance companies	1910	328	574
264	Co-operative fire insurance companies	1911	323	752
265, repealed	Town and county co-operative insurance corporations.	1910	328	583
265, added	Co-operative fire insurance companies	1910	328	574
266, repealed	Town and county co-operative insurance corporations.	1910	328	583
266, added	Co-operative fire insurance companies	1910	328	574
266	Co-operative fire insurance companies	1911	303	715
267, repealed	Town and county co-operative insurance corporations.	1910	328	583
267, added	Co-operative fire insurance companies	1910	328	574
267	Co-operative fire insurance companies	1911	323	754
268, repealed	Town and county co-operative insurance corporations.	1910	328	583
268, added	Co-operative fire insurance companies	1910	328	574
269, repealed	Town and county co-operative insurance corporations.	1910	328	583
269, added	Co-operative fire insurance companies	1910	328	574
270–280, repealed	Town and county co-operative insurance corporations.	1910	328	583
300, added	Lloyds and inter-insurers	1910	638	1704
300	Lloyds and inter-insurers	1911	502	1150
301, added	Lloyds and inter-insurers	1910	638	1704
302, added	Lloyds and inter-insurers	1910	638	1704
302	Lloyds and inter-insurers	1911	502	1151
303, added	Lloyds and inter-insurers	1910	638	1704
304, added	Lloyds and inter-insurers	1911	502	1152
305, added	Lloyds and inter-insurers	1911	502	1155
330–346, repealed	Certain town insurance companies	1910	328	583
350–362, added	State fire marshal	1911	451	1013
Schedule of repeals	L. 1907, ch. 397, omitted	1909	240	421
Schedule of repeals	L. 1898, ch. 171, inserted	1909	240	424
Schedule of repeals	L. 1901, ch. 397, inserted	1909	240	424
	JUDICIARY LAW: (L. 1909, ch. 35, constituting cons. laws, ch. 30.)			
87	Destruction of papers by county clerk	1911	275	671
111, subd. 2	Appointment of court attendants, second department.	1910	325	571
114	Confidential attendants, first department	1911	611	1385
115, 116	Appellate division, first department, official referees.	1911	844	2009
159	Special deputy clerk, Queens county	1910	695	2009
160, subd. 1	Appointment of clerks in certain judicial districts	1911	404	933
161	Number of stenographers, eighth judicial district	1910	60	97
161, subd. 3	Stenographers in certain counties	1909	202	319
161, subd. 3a, added	Typewriter operator, second judicial department	1909	401	865
164	Stenographers' expenses	1909	240	405
165	Stenographers' compensation, certain districts	1909	240	405

I. CHANGES IN THE CONSOLIDATED LAWS, 1910–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	JUDICIARY LAW — (*Continued*).			
168	Appointment of court officers, Nassau and Suffolk counties	1911	182	284
169	Appointment of criers for courts of record, Erie county	1910	128	228
195	Chief clerk and assistants, Kings county court	1911	640	1449
195	Chief clerk and assistants, Kings county court	1911	826	2334
196	Confidential clerks to county judges	1909	562	1602
197, subd. 2	Stenographer, county court, Jefferson county	1909	561	1601
202, added	Special deputy clerk, Queens county	1910	695	2009
233	Salaries of court officers, Erie county	1910	14	22
271, subd. 2	Clerk, appellate division, second department, salary	1911	828	2336
271, subd. 5	Deputy clerk, appellate division, second department, salary	1911	828	2336
274, subd. 2	Salary of clerks, appellate division, second department	1911	365	836
275	Special deputy clerks, appellate division, first department	1911	363	834
279, subd. 1	Salary of clerks to justices, first district	1911	404	924
279, subd. 2	Salaries of confidential clerks, second district	1911	365	837
279, subd. 3	Salaries of clerks supreme court, Kings county	1911	365	837
279, subd. 9	Confidential clerks to justices, ninth district	1909	572	1660
280	Special deputy clerk, Queens county	1910	695	2009
282	Chief clerk, Kings county court	1911	640	1449
283	Chief clerk and assistants, Kings county court	1911	640	1450
284	Chief clerk and assistants, Kings county court	1911	640	1451
284	Chief clerk and assistants, Kings county court	1911	826	2334
285	Confidential clerks to county judges	1909	563	1603
286, 287, added	Special deputy clerk, Queens county	1910	695	2010
307	Stenographers, appellate division, certain departments	1911	543	1223
313, 314, 316	Stenographers, second and ninth judicial districts	1910	180	335
317	Stenographers, third and fourth judicial districts	1911	543	1224
318, subd. 1	Stenographer, county court, Jefferson county	1909	561	1602
319, subd. 2	Compensation of stenographer, Albany county court	1910	27	42
319, subd. 5	Stenographer, county court, Monroe county	1909	560	1601
319, subd. 8	Stenographer, county court, Jefferson county	1909	561	1602
319, subd. 8	Stenographer, Rensselaer county court	1910	625	1596
347	Compensation of attendants, third and fourth departments	1910	304	547
348	Salaries of court attendants, first department and first judicial district	1910	261	464
348	Salaries of attendants of court of general sessions, New York county	1910	696	2011
348a, added	Salaries of messengers and attendants, surrogates' court, New York county	1911	267	662
349	Duties of court attendants, Nassau and Suffolk counties	1911	182	284
351	Salaries of court attendants, Nassau and Suffolk counties	1911	182	285
351	Salaries of court attendants, Queens county	1911	566	1277
365	Compensation of court criers	1910	34	52
365	Salaries of court criers, Queens county	1911	566	1277
366	Compensation of court criers, Erie county	1910	15	23

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	JUDICIARY LAW — (*Continued*).			
380	Salaries of interpreters, court of general sessions, New York county	1911	396	900
386	Salaries of court interpreters, Queens county	1911	566	1278
387	Court interpreters	1909	259	457
502, subd. 3	Qualifications of trial jurors, Richmond county	1910	96	147
513	Drawing trial jurors, Richmond county	1910	95	146
610	Jurors in New York county	1911	29	40
649	Nonattendance of jurors	1909	240	406
	LABOR LAW: (L. 1909, ch. 36, constituting cons. laws, ch. 31.)			
Syllabus	Bureau of industries and immigration	1910	514	1134
Syllabus	Bakeries and confectioneries	1911	637	1441
3	Hours constituting day's work	1909	292	539
12	Payment of wages by corporations	1909	206	322
18	Scaffolding	1911	693	1530
20	Protection of employees in buildings	1911	693	1530
20a, added	Accidents to be reported	1910	155	278
40	Commissioner of labor	1911	729	1953
41	Deputy commissioners	1911	729	1953
42–44	Bureau of industries and immigration; investigators	1910	514	1135
45	Sub-offices	1911	729	1953
49, added	Industrial directory	1911	565	1276
58, added	Industrial poisonings to be reported	1911	258	646
60	Chief factory inspector	1911	729	1954
61	Factory inspectors	1911	729	1954
62, subds. 1, 3	Commissioner of labor, powers and duties	1911	729	1954
79	Elevator and hoisting shafts	1909	299	546
80	Doors and windows in factories	1910	461	895
81	Protection of employees operating machinery	1909	299	546
81	Protection of employees operating machinery	1910	106	161
83	Doors and windows in factories	1910	461	895
84	Sanitation of factories	1910	114	175
87	Accidents to be reported	1910	155	279
88	Sanitary conveniences in factories	1910	229	416
93	Employment of women and children	1909	299	547
93	Employment of women and children	1910	107	163
111	Bakeries, definitions	1911	637	1441
112	Bakeries, general requirements	1911	637	1442
113	Bakeries, maintenance	1911	637	1443
114	Inspection of bakeries	1911	637	1443
115, repealed	Notice requiring alterations in bakeries	1911	637	1444
126	Report of accidents	1910	155	279
134a, added	Hours of labor in compressed air	1909	291	537
134b, added	Medical attendance and regulations	1909	291	538
134c, added	Penalties	1909	291	539
151–156, added	Bureau of industries and immigration	1910	514	1135
156a, added	Licensing of immigrant lodging places	1911	845	1870
161	Hours of labor of minors	1910	387	714

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	LABOR LAW — (*Continued*).			
161	Hours of labor of minors	1911	866	2412
161a, added	Hours of labor of messengers	1910	342	605
162	Employment of children	1909	293	531
162	Employment of children	1911	866	2413
166, repealed	Summer vacation certificate	1911	866	2413
168	Wash-rooms and water-closets	1911	866	2413
180	Mercantile inspector	1910	516	1198
200–202, amended; 202a, 205–212, added	Employer's liability	1910	352	625
215–219, 219a–219g, added	Workmen's compensation in dangerous employments	1910	674	1945
	LEGISLATIVE LAW: (L. 1909, ch. 37, constituting cons. laws, ch. 32.)			
5	Members of legislature, salaries when payable	1911	618	1414
10	Compensation of sergeants-at-arms	1911	45	63
45	Publication of constitutional amendments	1911	272	667
46, subd. 3	Distribution of bound volumes of session laws	1910	393	724
48, subd. 1	Publication of session laws, New York county	1911	97	144
	LIEN LAW: (L. 1909, ch. 38, constituting cons. laws, ch. 33.)			
5, repealed	Public improvement; liens	1911	450	1017
5, added	Public improvement; liens	1911	873	2582
12, repealed	Public improvement; notice of lien	1911	450	1017
12, added	Public improvement; notice of lien	1911	873	2582
16, repealed	Public improvement; assignment of contract	1911	450	1017
16, added	Public improvement; assignment of contract	1911	873	2583
18, repealed	Public improvement; duration of lien	1911	450	1017
18, added	Public improvement; duration of lien	1911	873	2584
19, subd. 3	Discharge of lien	1909	240	406
19, subd. 3	Discharge of lien	1909	427	909
21, repealed	Public improvement; discharge of lien	1911	450	1017
21, added	Public improvement; discharge of lien	1911	873	2585
25, repealed	Public improvement; priority of liens	1911	450	1017
25, added	Public improvement; priority of liens	1911	873	2586
42, repealed	Public improvement; enforcement of lien	1911	450	1017
42, added	Public improvement; enforcement of lien	1911	873	2586
60, repealed	Public improvement; judgment in action to foreclose lien	1911	450	1017
60, added	Public improvement; judgment in action to foreclose lien	1911	873	2587
62, added	Public contracts; laborers and material men to be secured	1911	450	1015
62, repealed	Public contracts; laborers and material men to be secured	1911	873	2587
63, added	Public contracts; lien of laborer or material man	1911	450	1016

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	LIEN LAW — (*Continued*).			
63, repealed	Public contracts; lien of laborer or material man	1911	873	2587
64, added	Public contracts; enforcement of lien	1911	450	1016
64, repealed	Public contracts; enforcement of lien	1911	873	2587
65, added	Public contracts; complaint in action to enforce lien	1911	450	1017
65, repealed	Public contracts; complaint in action to enforce lien	1911	873	2587
66, added	Public contracts; costs in action to enforce lien	1911	450	1017
66, repealed	Public contracts; costs in action to enforce lien	1911	873	2587
81, 82, 90	Liens on canal boats	1910	182	338
200	Inn-keeper's lien	1910	214	395
230	Chattel mortgages	1911	326	764
232–234	Liens on canal boats	1910	182	340
	LIQUOR TAX LAW: (L. 1909, ch. 39, constituting cons. laws, ch. 34.)			
2	Definitions	1909	281	487
2	Definitions	1910	485	929
3	State commissioner of excise. (*See note* 2, *L.* 1910, *p.* 988.)	1910	503	986
7	Special agents; attorneys	1909	281	488
8	Excise taxes	1909	281	490
8, subd. 3	Tax upon traffic by pharmacist	1910	485	930
8, subd. 8	Enumeration	1910	485	931
8, subd. 9, added	Issuance of certificates	1910	494	952
8, subd. 9	Issuance of certificate	1911	298	705
12, subd. 17	Account of excise moneys	1909	240	405
12, subd. 17	Account of excise moneys	1909	281	496
13	Local option	1910	485	932
15, ¶ 3	Statements to be made upon application for certificate	1910	494	956
15, ¶ 5	Statement by applicant for certificate	1909	281	496
15, ¶ 5	Statement by applicant for certificate	1911	643	1456
15, ¶ 8	Consents	1909	281	497
15, ¶ 8	Effect of revocation of certificate	1910	485	935
15, ¶ 8	Consents; effect of cancelation of certificate	1910	503	988
15, ¶ 8	Consents	1911	643	1457
16	Bonds	1910	484	935
16	Bonds	1911	223	496
17	Payment of tax and issuing of certificate	1910	494	956
19	Posting liquor tax certificate	1911	407	930
21	Who not to traffic in liquors	1909	281	499
21, subd. 1, clauses d, e	Who not to traffic in liquors	1910	503	990
23, subd. 1	Places in which traffic not permitted	1910	704	2038
23, subd. 2	Places in which traffic not permitted	1911	643	1459
24, subd. 1	Surrender of certificates	1910	503	990
24, subd. 1	Surrender of certificates	1911	408	934
24, subd. 2	Surrender of certificates	1910	503	990
25	Changing place of traffic	1911	407	931
26	Changing place of traffic	1911	407	932
27, subd. 2	Revocation of certificate	1909	281	500

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	LIQUOR TAX LAW — (*Continued*).			
27, subd. 2	Revocation of certificate	1910	503	993
28	Injunction	1909	281	505
29	Persons to whom liquor not to be furnished	1910	307	549
30	Illegal sales	1910	494	957
30, subd. J	Illegal sales	1910	485	937
30a, added	Sale of liquors to West Point cadets	1911	762	2026
31	Lists of lodgers	1909	281	507
33, ¶ 2	Search warrant	1909	281	507
33, ¶ 2	Liquors kept for unlawful traffic	1910	485	938
33, ¶ 4	Prima facie evidence of violation	1909	281	510
35	Persons liable for violations	1909	281	510
36	Penalties	1910	485	940
43	Penalties; actions to recover. (*See note* 17, *L.* 1910, *p.* 999)	1910	503	998
	MEMBERSHIP CORPORATIONS LAW: (L. 1909, ch. 40, constituting cons. laws, ch. 35.)			
18, 19, repealed	Societies taking property by will	1911	857	2399
48, added	Place of annual meeting	1909	169	277
62	Acquisition of lands for cemetery purposes	1909	274	478
62	Cemetery corporations, various counties	1911	706	1905
65	Acquisition of lands for cemetery purposes	1909	274	478
121	City of Yonkers, certain corporations	1911	623	1418
144, added	Young Men's Christian Associations, county committees	1911	207	479
291, repealed	Trustees of corporations for breeding horses	1910	486	943
292–295, 298, repealed	Tax on race meetings	1910	489	946
Schedule of repeals	L. 1898, ch. 543, in part, inserted	1909	240	424
Schedule of repeals	L. 1897, ch. 129, omitted	1909	240	425
	MILITARY LAW: (L. 1909, ch. 41, constituting cons. laws, ch. 36.)			
7	Governor's military secretary	1911	796	2104
11	Reserve militia	1911	98	145
15	Militia council	1909	373	769
15	Militia council	1911	808	2133
16	Adjutant-general	1909	373	770
16, subd. 12, repealed	Stands of arms for G. A. R	1909	240	407
18	Adjutant-general	1911	281	678
30	Composition of national guard	1909	370	756
31	Division and brigades	1909	370	757
32	Staff departments	1909	370	758

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	MILITARY LAW — (*Continued*).			
32	Staff departments	1911	167	265
33	Corps of engineers	1909	370	759
38	Coast artillery corps	1909	370	760
38	Coast artillery corps	1911	795	2103
40, added	Aides	1911	285	686
51	Staff of commodore	1911	282	680
53	Battalion of naval militia	1911	282	680
54	Division of naval militia	1911	282	681
56	Civilian cooks	1911	282	682
57	Retirement of officers of naval militia	1909	233	363
59	Appointed officers of naval militia	1911	282	682
Art. 4, tit.	Commissioned officers	1911	99	145
71	Eligibility for commission	1909	371	761
74	Appointed officers	1909	371	763
74	Appointed officers	1911	99	146
79	Brevet commissions	1909	371	766
80	Supernumerary and retired officers	1909	371	766
80	Supernumerary and retired officers	1911	285	685
82	National guard, retirement and discharge	1911	464	1066
82	Retirement and discharge of officers	1911	770	2048
95	Enlistments	1909	369	754
95	Enlistments	1911	100	149
96	Re-enlistments	1911	100	150
97	Enlistment papers	1911	283	683
99	Non-commissioned officers	1909	372	767
101	Taking up from dropped	1909	369	755
113, 114	Service without the state	1910	241	430
121, added	Organization when aiding civil authorities	1911	284	684
130, 135	Military courts	1910	108	164
136	Delinquency courts for officers	1910	242	431
137, 139, 142, 151–153, 158	Military courts	1910	108	165
183	Armories in New York city	1911	102	154
184	New sites for armories, New York city	1911	381	886
186	Control of armories	1911	102	156
187	Armories, janitors and engineers	1911	102	157
188	Laborers in armories	1910	19	28
188	Laborers in armories	1911	102	158
189	Compensation of employees in armories	1911	102	159
192, subd. (b)	Use of armories	1909	240	407
192, subd. (d)	Use of armories for national conventions	1911	462	1065
210	Pay and allowances	1909	308	576
215	Pay and allowances	1909	309	577
216	Allowances for organizations	1911	101	151
217	Pay and allowances	1909	307	575
218	Allowances for headquarters	1911	101	152
238	Exemption from jury duty	1911	100	150
241	Military parades by unauthorized bodies prohibited	1911	210	484
244, added	Devises and bequests	1909	536	1388
244	Devises and bequests	1911	101	153
245, added	Employees of state or municipality on military duty	1911	103	161
246, added	Oaths	1911	103	161
252	Associations	1909	311	579
252	Formation of associations	1911	104	162

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	NAVIGATION LAW: (L. 1909, ch. 42, constituting cons. laws, ch. 37.)			
40a, added	Removal of ice gorges in Hudson river	1910	312	557
47, added	Harbor masters along Hudson river	1911	620	1415
50a, added	Buoys and beacons	1910	421	764
86	Claim for salvage	1909	240	407
Schedule of repeals	L. 1890, ch. 569, §§ 137–150, inserted	1909	240	423
	PENAL LAW: (L. 1909, ch. 88, constituting cons. laws, ch. 40.)			
71	Abduction or compulsory marriage	1909	524	1317
190	Poisoning domestic animals	1910	81	127
271	None but attorneys to practice in cities of first and second class	1910	327	573
280, added	Corporations not to practice law	1909	483	1170
280	Voluntary associations not to practice law	1911	317	738
290, 298	Issue of certificates of deposit	1910	398	729
421	False advertisements, sale of real estate	1911	759	2023
443, added	Tickets issued by People's Institute not transferable	1909	424	905
483, subd. 3, repealed	Contributing to juvenile delinquency	1910	699	2021
484, subd. 1	Admitting children to moving picture shows	1909	278	485
484, subd. 1	Admitting children to pool or billiard rooms	1910	383	710
484, subd. 1	Permitting children to attend certain resorts	1910	475	915
484, subd. 1	Admitting children to pool rooms and bowling alleys	1911	243	613
494, added	Contributing to juvenile delinquency	1910	699	2017
517, added	Discrimination against United States uniform	1911	410	938
584, added	Conspiracies	1910	395	725
611, repealed	Testimony in seduction, abduction, etc	1909	524	1317
670, added	Misconduct by officers and directors of certain insurance corporations and societies	1910	620	1589
750	Candidates at primary elections	1910	430	806
752	Crimes against elective franchise	1909	306	574
776	Filing candidate's statement of expenses	1910	439	820
851	Threats constituting extortion	1911	121	183
851	Threats constituting extortion	1911	602	1368
852	Punishment for extortion	1909	368	753
852	Punishment for extortion	1911	602	1368
856	Blackmail	1909	368	754
857	Attemped extortion by oral threats	1911	121	183
936a, added	Unlawful dues of secret fraternities	1911	837	2347
950, added	False statements as to employment	1911	575	1331
973	Gaming and betting establishments	1910	487	944
986	Book-making	1910	488	945
1140a, added	Immoral plays and exhibitions	1909	279	485
1141a, added	Indecent prints and pictures	1909	280	486
1146	Disorderly houses	1910	619	1588
1148, added	Male persons living on earnings of prostitution	1910	382	709
1221	Intoxication in a public place	1911	700	1890

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued.*)

Section.	SUBJECT.	Year.	Chapter.	Page.
	PENAL LAW — (*Continued*).			
1250	Penalty for kidnapping	1909	246	435
1250	Kidnapping	1911	625	1420
1272	Payment of wages by corporations	1909	205	322
1275	Violations of labor law	1911	749	2012
1293a, added	Unauthorized use of vehicles	1909	514	1305
1293a	Unauthorized use of vehicles	1910	621	1590
1421	Burning crops or timber	1910	474	914
1423	Injury to mile-boards, etc., on highways	1911	316	736
1425, subd. 11a, added	Damaging motor vehicle	1909	525	1318
1460 renumbered 1092	Husband and wife	1909	524	1316
Art. 138, heading, repealed	Married women	1909	524	1317
1500a, added	Mufflers for motor boats, Lake George	1911	758	2022
1510, added	Mufflers for motor boats, tidal waters	1911	840	2355
1563	Advertising as ticket agents; false information	1911	415	944
1566	Sale of railway transfers	1909	204	321
1572, added	Soliciting surrender of tickets from immigrants	1911	540	1218
1620	Perjury	1909	240	407
1746	Sale of cocaine or eucaine	1910	131	231
1820a, added	Notaries public and commissioners of deeds	1910	471	911
1896	Making and disposing of dangerous weapons	1911	195	442
1897	Carrying and use of dangerous weapons	1911	195	442
1899	Destruction of dangerous weapons	1911	195	443
1914, added	Sale of pistols and other firearms	1911	195	444
1943 renumbered 2461	Concealment of birth of issue	1909	524	1317
2052, added	Stealing or destruction of will	1910	357	639
2074, added	Theatrical presentations of the Divinity, prohibited	1911	319	749
2151	Parades on Sunday	1911	147	256
2175–2177, added	Seduction	1909	524	1317
2186	Sentence of minors	1909	478	1163
2189	Indeterminate sentences	1909	282	511
2197, repealed	Commitments for five years or less	1909	467	1122
2198, added	Sentence to state prisons	1909	240	406
2221, added	Burials on canal lands prohibited	1910	144	265
2354, subd. 5	Offenses against trade marks	1909	240	406
2414a, added	False weights and measures, presumption of knowledge	1911	53	73
2444	Convict competent witness	1909	240	406
2460	Compulsory prostitution of women	1910	618	1585
2461, repealed	Seduction	1909	524	1317
Schedule of repeals	L. 1888, ch. 490, § 6, inserted	1909	240	423
Schedule of repeals	L. 1894, ch. 426, § 3, inserted	1909	240	423

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	PERSONAL PROPERTY LAW: (L. 1909, ch. 45, constituting cons. laws, ch. 41.)			
12, subd. 2	Gift for charitable, etc., purposes	1909	144	222
12, subd. 4, added	Application of funds collected for charitable purposes	1911	220	494
13a, added	Trusts for care of cemetery lots	1909	218	343
13a	Trusts for care of cemetery lots	1911	430	967
15	When proceeds of life insurance policy not alienable	1911	327	765
20	Commissions of trustee appointed by supreme court	1911	217	491
23, added	Revocation of trusts	1909	247	436
31, subd. 6, ¶ 1, repealed	Statute of frauds, sale of goods	1911	571	1326
36, repealed	Sale without delivery and change of possession	1911	571	1326
42	Loans on salaries	1911	626	1421
45, added	Notice of liens to secure loans	1911	326	762
Art. 5 (§§ 80, 81), renumbered art. 6 (§§ 165, 166)	Laws repealed; when to take effect	1911	571	1298
Art. 5 (§§ 82–158), added	Sales of goods	1911	571	1298
187–241, added	Bills of lading	1911	248	619
	POOR LAW: (L. 1909, ch. 46, constituting cons. laws, ch. 42.)			
27	Taxation in towns for support of poor	1909	429	913
29	Support of poor in cities	1909	380	792
56	Poor children	1909	347	657
80–83, 85	Relief of Spanish war veterans	1910	102	154
	PRISON LAW: (L. 1909, ch. 47, constituting cons. laws, ch. 43.)			
70	Names and locations of state prisons	1909	479	1164
95	Physician and chaplain, State Prison for Women	1909	527	1320
97	Commitment of women	1909	240	409
119	Bonds of certain officers	1910	631	1627
210	Salaries of members of board of parole	1910	703	2037
211	Parole	1909	240	409
211	Parole	1909	489	1179
211a, added	Parole of indeterminates	1910	669	1926
212	Meetings of board of parole	1910	703	2038
243	Commutation of sentence	1910	403	738
281	Managers of reformatories	1909	240	410
283	Management of reformatories	1909	240	410
357	Jail liberties, Genesee county	1911	174	273
Schedule of repeals	R. S., pt. 4, ch. 3, titles 2, 3, inserted	1909	240	422
Schedule of repeals	L. 1886, ch. 21, §§ 10–19, inserted	1909	240	423

I. CHANGES IN THE CONSOLIDATED LAWS, 1909-1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	PUBLIC BUILDINGS LAW: (L. 1909, ch. 48, constituting cons. laws, ch. 44.)			
8, amended; 9–12, added	Selection of architects for state work	1910	448	843
64	Admission to soldiers' home	1911	577	1333
70–72, added	Schuyler mansion	1911	440	987
Art. 6 renumbered art. 7	Public buildings generally	1911	440	987
Art. 7 renumbered art. 8	Laws repealed; when to take effect	1911	440	987
	PUBLIC HEALTH LAW: (L. 1909, ch. 49, constituting cons. laws, ch. 45.)			
5	Vital statistics	1909	557	1594
14	Inspection of institutions by state commissioner of health	1910	92	142
20	Appointment of local health officers	1909	165	271
21	Local boards of health	1909	480	1164
22	Vital statistics	1909	407	876
22	Vital statistics	1910	639	1710
22	Vital statistics	1911	279	675
23	Burials	1909	407	877
70	Rules and regulations of department	1911	695	1827
71	Inspection of water supply	1911	695	1828
73	Sewerage	1911	695	1830
76	Discharge of sewage into waters	1911	553	1254
76a, added	Pollution of waters	1911	553	1255
77	Permit for discharge of sewage	1911	553	1256
84	Violations as to discharge of sewage	1911	553	1257
100, amended; 101, 102, repealed	Quarantine commissioners abolished	1909	375	774
103	Custody of quarantine establishment, port of New York	1909	375	774
103	Health officer, port of New York	1910	425	784
105–111	Quarantine commissioners abolished	1909	375	775
120	Health officer, port of New York	1910	425	785
121	Health officer, port of New York	1909	375	777
122	Health officer, port of New York	1909	375	777
122	Health officer, port of New York	1910	425	785
124, 128, 134, 138, 139, 142	Quarantine commissioners abolished; duties conferred on health officer	1909	375	777
144	Health officer, port of New York	1909	375	781
144	Health officer, port of New York	1910	425	786
145	Health officer, port of New York	1909	375	782
195	Dental examiners	1910	137	247
196	Eligibility to dental examination	1911	786	2091
230–235	Practice of pharmacy	1910	422	764
236	Practice of pharmacy	1910	422	764
236	Working hours and sleeping rooms in pharmacies	1911	630	1428
237–240	Practice of pharmacy	1910	422	764

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	PUBLIC HEALTH LAW — (*Continued*).			
240, subd. 9	Pharmacies, violations of regulations	1911	630	1429
241, added	Practice of pharmacy	1910	422	764
290	Board of embalming examiners	1911	841	2356
295	Certified undertakers	1911	841	2356
298	Embalming without a license	1911	841	2358
299, added	Violations of art. 14	1911	841	2358
303	Optometry, exemption from examination	1909	134	211
318, repealed	Prescriptions of opium, etc	1910	422	780
318a, added	Sale of hypodermic syringes	1911	278	674
319	Hospitals for tuberculosis	1909	171	278
324	Disinfection of premises infected with tuberculosis	1909	240	411
324	Disinfection by health authorities	1910	427	789
328	Reports of tuberculosis cases	1909	426	907
328	Reports of tuberculosis cases	1911	490	1103
332	Application of provisions	1909	240	411
335–339, 339a–339d, added	Cold storage	1911	335	774
344–347, added	State institute for study of malignant disease	1911	128	205
Art. 18 renumbered art. 19	Laws repealed; when to take effect	1911	128	208
	PUBLIC LANDS LAW: (L. 1909, ch. 50, constituting cons. laws, ch. 46.)			
32	Sale of unappropriated state lands	1909	240	411
60	Escheats	1911	399	912
60, subd. 3	Escheats	1909	240	412
60, subd. 3	Escheats	1909	509	1286
60, subd. 7	Escheats	1909	240	412
Art. 10 (§§ 110–112) renumbered art. 11 (§§ 120–122)	Construction; laws repealed; when to take effect	1911	731	1955
New art. 10 (§§ 110–117), added	Watkins Glen, board of commissioners	1911	731	1956
	PUBLIC OFFICERS LAW: (L. 1909, ch. 51, constituting cons. laws, ch. 47.)			
11	Official undertakings	1911	424	958
63	Leaves of absence to veterans on Memorial day	1910	335	591
71, added	Vacations of employees of state and civil divisions	1910	680	1968

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	PUBLIC SERVICE COMMISSIONS LAW: (L. 1910, ch. 480, constituting cons. laws, ch. 48. (*See note L.* 1910, *p.* 923.)			
§ 2, subds. 17–20; § 5, subds. 5–7	Telegraph and telephone lines and compahies	1910	673	1929
33, subd. 3	Free or reduced transportation	1911	546	1226
33, subd. 4	Power of commission as to reduced rates	1911	546	1227
49, subd. 1	Power of commission to fix rates	1911	546	1228
54	Transfer of franchises or stocks	1911	788	2094
70	Transfer of franchises, approval	1911	788	2096
80–87 renumbered 120–127	Telegraph and telephone lines and companies	1910	673	1929
90–92, added	Telegraph and telephone lines and companies	1910	673	1929
92, subd. 3	Free passes, telephone and telegraph companies	1911	124	187
93–103, added	Telegraph and telephone lines and companies	1910	673	1929
Art. 5 renumbered art. 6	Telegraph and telephone lines and companies	1910	673	1929
	RAILROAD LAW: (L. 1910, ch. 481, constituting cons. laws, ch. 49. *See notes, L.* 1910, *pp.* 917, 923, *and amendments to former railroad law* (*L.* 1890, *ch.* 565) *in table of laws, other than consolidated laws, amended, L.* 1910, *appendix, p.* 39.)			
88	Conductors and brakemen as policemen	1911	817	2315
91	Petition for alteration of crossing	1911	141	226
94	Expense of constructing new crossings	1911	141	228
140, subd. 1	Powers of consolidated corporations owning continuous lines	1911	506	1161
170	Condemnation by street surface railroads	1911	418	949
	REAL PROPERTY LAW: (L. 1909, ch. 52, constituting cons. laws, ch. 50.)			
111	Commissions of trustee appointed by supreme court	1911	216	490
113, subd. 2	Gifts for charitable, etc., purposes	1909	144	222
114a, added	Trusts for care of cemetery lots	1909	218	344
260	Grant or mortgage of real property adversely possessed	1909	481	1167
260	Grant or mortgage of real property adversely possessed	1910	628	1624
310	Authentication of certificate of acknowledgment	1911	196	445
333, added	Recording instruments affecting real property	1910	227	414
333, added	Execution of satisfaction of mortgage	1911	574	1328
334, added	Filing of maps	1910	415	756
362	Notice to persons interested in title	1909	240	412
370	Application to register title	1910	627	1602
374	Assistant deputy register	1909	305	573

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	REAL PROPERTY LAW — (*Continued*).			
379, 380, 382, 383, 385–387, amended; 388, repealed; 388, added; 390, 391, 393, 398, amended; 404, repealed; 404, added; 406, 410, 416, 432, amended; 434, repealed; 434, added	Registering titles to real property	1910	627	1603
451, added	Acquisition of lands for cemetery purposes	1909	274	477
Schedule of repeals	R. S., pt. 2, ch. 1, tit. 1, §§ 1–4, 8–20, inserted	1909	240	422
Schedule of repeals	L. 1794, ch. 1, §§ 1, 3–7, inserted	1909	240	422
	RELIGIOUS CORPORATIONS LAW: (L. 1909, ch. 53, constituting cons. laws, ch. 51.)			
16	Property of extinct churches	1909	408	878
16	Property of extinct churches	1910	185	348
195	Corporate meetings	1911	711	1912
197	Number of trustees of an incorporated church	1910	249	443
	SALT SPRINGS LAW: (L. 1909, ch. 54, constituting cons. laws, ch. 52.)			
5	Superintendent of Onondaga salt springs, office abolished	1911	458	1060
40, repealed	Superintendent of Onondaga salt springs	1911	458	1061
Schedule of repeals	L. 1867, ch. 261, omitted	1909	240	421
Schedule of repeals	L. 1897, ch. 261, inserted	1909	240	423
	SECOND CLASS CITIES LAW: (L. 1909, ch. 55, constituting cons. laws, ch. 53.)			
60	Temporary and funded debts	1910	692	2005
60	Temporary and funded debts	1911	60	81
81, added	Appropriations for band concerts	1911	493	1115
130, 131	Buildings department created	1909	573	1661
137, 138	Appeals from commissioner of public safety	1910	266	477
149, 152, 155–157, added	Buildings department created	1909	573	1662

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	STATE BOARDS AND COMMISSIONS LAW: (L. 1909, ch. 56, constituting cons. laws, ch. 54.)			
1–4, repealed	State water supply commission	1911	647	1550
5	State water supply commission	1910	285	513
5, repealed	State water supply commission	1911	647	1550
6	State water supply commission	1910	285	513
6, repealed	State water supply commission	1911	647	1550
7	State water supply commission	1910	285	513
7, repealed	State water supply commission	1911	647	1550
8–11, repealed	State water supply commission	1911	647	1550
12	Proceedings for river improvement	1911	36	48
12	Proceedings for river improvement	1911	420	951
12, repealed	State water supply commission	1911	647	1550
12a, added	Creation of river improvement districts	1909	464	1106
12a	Creation of river improvement districts	1911	142	231
12a, repealed	State water supply commission	1911	647	1550
13, repealed	State water supply commission	1911	647	1550
14	Entry upon lands	1909	464	1107
14, repealed	State water supply commission	1911	647	1550
15, 16, repealed	State water supply commission	1911	647	1550
17	Bonds for river improvement	1909	464	1108
17, repealed	State water supply commission	1911	647	1550
18	Apportionment of cost	1909	464	1109
18, repealed	State water supply commission	1911	647	1550
19	Assessment and collection of cost	1909	464	1111
19, repealed	State water supply commission	1911	647	1550
20	River improvement certificates	1909	464	1113
20, repealed	State water supply commission	1911	647	1550
21	Operation and expenses	1909	464	1113
21, repealed	State water supply commission	1911	647	1550
22, repealed	State water supply commission	1911	647	1550
22a, added	Collectors and other officers	1909	464	1113
22a, repealed	State water supply commission	1911	647	1550
22b, added	Ratification of proceedings	1909	464	1114
22b, repealed	State water supply commission	1911	647	1550
23, 24, repealed	State water supply commission	1911	647	1550
25, added	Improvement of water courses at private expense	1909	284	513
25, repealed	State water supply commission	1911	647	1550
26, added	Refund of expenses	1909	274	515
26, repealed	State water supply commission	1911	647	1550
30	State probation commission	1910	613	1577
41	Term and expenses of commissioners	1909	240	413
Schedule of repeals	L. 1894, ch. 349, inserted	1909	240	423
	STATE CHARITIES LAW: (L. 1909, ch. 57, constituting cons. laws, ch. 55.)			
Analysis of articles	Generally	1909	258	453
42	Powers and duties of fiscal supervisor	1909	149	229
42	Powers and duties of fiscal supervisor	1911	405	924

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	STATE CHARITIES LAW — (*Continued*).			
44	Fiscal year	1909	149	230
44	Fiscal year	1911	405	925
45	Expenses; contingent fund	1909	149	230
45	Expenses; contingent fund	1911	9	10
45	Expenses; contingent fund	1911	405	926
46	Receipts and expenditures	1909	149	231
47	Affidavit of steward; vouchers	1911	405	927
48	Purchases	1909	149	232
48	Purchases	1911	305	718
49	Erection, repairs, etc	1909	149	233
49	Contracts in connection with state institutions	1910	47	75
50	Visitations and reports	1909	149	235
50	Visitations and reports by managers	1911	405	928
51	Managers and trustees	1909	149	236
52, added	Admission to state charitable institutions	1911	843	2368
60–62, 66–69	Managers and officers, Syracuse State Institution for Feeble-Minded Children	1910	449	846
70	Syracuse Institution for Feeble-Minded Children, clothing for pupils	1911	609	1382
71, added	Syracuse Institution for Feeble-Minded Children, sewer system	1910	376	694
81	Managers, State Custodial Asylum for Feeble-Minded Women	1910	449	848
91, 92	Managers, Rome State Custodial Asylum	1910	449	849
95, added	Rome State Custodial Asylum	1909	339	637
101	Managers, Craig Colony for Epileptics	1910	449	849
102	Buildings and improvements, Craig Colony	1909	149	237
102	Buildings and improvements, Craig Colony	1910	449	850
103	Managers, Craig Colony	1910	449	850
103, subd. 3	Managers, Craig Colony	1909	149	238
104	Annual report, Craig Colony	1909	149	238
104	Annual report of managers, Craig Colony	1910	449	851
107, 108	Duties of superintendent and of agent as treasurer, Craig Colony	1910	449	851
110	Support of state patients, Craig Colony	1909	149	238
114, repealed	Notice of opening of Craig Colony	1910	449	854
114, added	Craig Colony, detention and discharge of inmates	1911	588	1348
115 renumbered 114	Maintenance expenses, Craig Colony	1910	449	854
116	Sale of products, Craig Colony	1909	149	239
116 renumbered 115	Sale of products, Craig Colony	1910	449	854
117, added	Designation of special policemen at Craig Colony	1910	260	463
Art. 9 renumbered art. 18	Care of inebriate women	1909	258	452
120–128 renumbered 340–348	Care of inebriate women	1909	258	452
Art. 10 renumbered art. 9	Hospital for Crippled and Deformed Children	1909	258	452
130	Hospital for Crippled and Deformed Children	1909	149	239
130	Hospital for Crippled and Deformed Children	1909	240	413
131	Managers, Hospital for Crippled and Deformed Children	1910	449	854

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	STATE CHARITIES LAW — (*Continued*).			
132	Managers, Hospital for Crippled and Deformed Children	1910	449	854
132, subd. 2	Book of proceedings, Hospital for Crippled and Deformed Children	1909	149	239
132, subd. 3	Report, Hospital for Crippled and Deformed Children	1909	149	239
133	Surgeon in chief, Hospital for Crippled and Deformed Children	1910	449	856
133, subd. 3	Estimates for Hospital for Crippled and Deformed Children	1909	149	240
134, repealed	Salaries, Hospital for Crippled and Deformed Children	1910	449	856
135, 136 renumbered 134, 135	Hospital for Crippled and Deformed Children	1910	449	856
136	Hospital for Crippled and Deformed Children	1911	172	271
137,138 renumbered 136, 137	Hospital for Crippled and Deformed Children	1910	449	856
139	Managers' report, Hospital for Crippled and Deformed Children	1909	149	240
Art. 11 renumbered art. 10	Raybrook Hospital	1909	258	452
151	Trustees, Raybrook Hospital	1910	449	856
153	Trustees, Raybrook Hospital	1910	449	857
153, subd. 4	Proceedings of trustees, Raybrook Hospital	1909	149	240
154	Report of trustees, Raybrook Hospital	1909	149	240
154	Report of trustees, Raybrook Hospital	1910	449	858
157, 158, 162	Superintendent, treasurer, and free patients, Raybrook Hospital	1910	449	858
Art. 12 renumbered art. 17	Aged, decrepit and mentally enfeebled persons	1909	258	452
170–174 renumbered 320–324	Aged, decrepit and mentally enfeebled persons	1909	258	452
Art. 13 renumbered art. 11	Institutions for juvenile delinquents	1909	258	452
180	State Agricultural and Industrial School	1910	449	861
182, 184, 191	State Agricultural School and House of Refuge for Juvenile Delinquents	1910	449	861
199, 200	State Training School for Girls	1910	449	863
200	Managers, State Training School for Girls	1911	447	1003
201	State Training School for Girls	1910	449	863
204	State Training School for Girls, commitments	1909	449	864
204	State Training School for Girls, commitments	1911	486	1090
204, subd. 1	State Training School for Girls	1909	340	639
206	State Training School for Girls, children of inmates	1911	555	1250
213	United States female juvenile delinquents	1910	449	866
214	Effect of art. 11	1909	240	413
Art. 14 renumbered art. 12	House of refuge and reformatory for women	1909	258	452
220	House of refuge and reformatory for women	1909	258	454
220	House of refuge and reformatory for women	1910	449	865
221	Managers, house of refuge and reformatory for women	1910	449	867
223	Officers and employees of certain institutions for women	1909	149	241

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	STATE CHARITIES LAW — (*Continued*).			
226	Commitments, house of refuge and reformatory for women	1910	449	867
Art. 15 renumbered art. 21	Anchorage at Elmira	1909	258	452
250 renumbered 400	Anchorage at Elmira	1909	258	452
251 renumbered 401	Anchorage at Elmira	1909	258	452
251	Managers, Woman's Relief Corps Home	1910	449	868
252 renumbered 402	Anchorage at Elmira	1909	258	452
253 renumbered 403	Anchorage at Elmira	1909	258	452
253, repealed	Managers, Woman's Relief Corps Home	1910	449	868
254 renumbered 404	Anchorage at Elmira	1909	258	452
254 renumbered 253	Managers, Woman's Relief Corps Home	1910	449	869
255	Commitments to Anchorage at Elmira	1909	240	413
255 renumbered 405	Anchorage at Elmira	1909	258	452
255 renumbered 254	Report, Woman's Relief Corps Home	1910	449	869
255	Admission to Woman's Relief Corps Home	1911	601	1366
256 renumbered 406	Anchorage at Elmira	1909	258	452
256	Inmates, Woman's Relief Corps Home	1910	133	234
256 renumbered 255	Admission to Woman's Relief Corps Home	1910	449	869
257 renumbered 407	Anchorage at Elmira	1909	258	452
257 renumbered 256	Managers, Woman's Relief Corps Home	1910	449	869
258 renumbered 408	Anchorage at Elmira	1909	258	452
258 renumbered 257	Record, Woman's Relief Corps Home	1910	449	869
259–269 renumbered 409–419	Anchorage at Elmira	1909	258	452
271	Managers, Thomas Indian School	1910	449	869
272	Managers, Thomas Indian School	1910	449	869
274	Superintendent, Thomas Indian School	1910	449	870
Art. 16 renumbered art. 19	Burnham Industrial Farm	1909	258	452
280–292 renumbered 360–372	Burnham Industrial Farm	1909	258	452
Art. 17 renumbered art. 20	Shelter for Unprotected Girls	1909	258	452
300 renumbered 380	Shelter for Unprotected Girls	1909	258	452
301 renumbered 381	Shelter for Unprotected Girls	1909	258	452

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	STATE CHARITIES LAW — (*Continued*).			
301	Placing out destitute children	1910	449	871
302, 303 renumbered 382, 383	Shelter for Unprotected Girls	1909	258	452
304 renumbered 384	Shelter for Unprotected Girls	1909	258	452
304	Visitation of destitute children	1909	258	454
305, 306 renumbered 385, 386	Shelter for Unprotected Girls	1909	258	452
307 renumbered 387	Shelter for Unprotected Girls	1909	258	452
307	Placing out destitute children	1909	258	455
308 renumbered 388	Shelter for Unprotected Girls	1909	258	452
308	Placing out destitute children	1909	258	455
309–311 renumbered 389–391	Shelter for Unprotected Girls	1909	258	452
Art. 18 renumbered art. 13	Woman's Relief Corps Home	1909	258	452
320–325 renumbered 250–255	Woman's Relief Corps Home	1909	258	453
326	Admission to Woman's Relief Corps Home	1909	240	414
326 renumbered 256	Woman's Relief Corps Home	1909	258	453
327, 328 renumbered 257, 258	Woman's Relief Corps Home	1909	258	453
Art. 19 renumbered art. 14	Thomas Indian School	1909	258	452
340, 341 renumbered 270, 271	Thomas Indian School	1909	258	453
342 renumbered 272	Thomas Indian School	1909	258	453
342, subd. 3	Proceedings of managers, Thomas Indian School	1909	149	241
343 renumbered 273	Thomas Indian School	1909	258	453
343, subd. 2	Duties of officers, Thomas Indian School	1909	149	241
344–346 renumbered 274–276	Thomas Indian School	1909	258	453
Art. 20 renumbered art. 15	Licensing dispensaries	1909	258	452
350–356 renumbered 290–296	Licensing dispensaries	1909	258	453
Art. 21 renumbered art. 16	Licenses for placing out destitute children	1909	258	452
360–367 renumbered 300–307	Licenses for placing out destitute children	1909	258	453
368 renumbered 308	Licenses for placing out destitute children	1909	258	453
368	Burnham Industrial Farm	1909	258	455
372	Powers and liabilities, Burnham Industrial Farm	1910	449	872
380–386 renumbered 450–456	General provisions	1909	258	453

I. CHANGES IN THE CONSOLIDATED LAWS, 1909-1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	STATE CHARITIES LAW — (*Continued*).			
387 renumbered 457	Fees of witnesses at investigations	1909	258	453
387	Shelter for Unprotected Girls	1909	258	456
388, 389 renumbered 458, 459	General provisions	1909	258	453
400, 401 renumbered 470, 471	Laws repealed; when to take effect	1909	258	453
	STATE FINANCE LAW: (L. 1909, ch. 58, constituting cons. laws, ch. 56.)			
2a, added	Payment of salaries of state employees	1910	317	563
10	Deposit of moneys by state officers	1911	294	698
11	Deposit of moneys by charitable institutions	1911	295	699
19	Securities of depositories of state institutions	1910	77	122
19	Deposit of funds by state institutions	1911	293	697
37	Payments to treasurer by health officer, port of New York	1910	440	822
48, 49, added	Statements of desired appropriations to be filed with comptroller	1910	149	270
Art. 5, schedule of sections	Education funds	1911	634	1432
81	Education funds	1910	201	371
82	Education funds	1911	634	1432
83, repealed	Education funds	1911	634	1432
84 renumbered 83, and amended	Education funds	1911	634	1432
85, repealed	Education funds	1911	634	1432
86 renumbered 84, and amended	Education funds	1911	634	1432
87	Education funds	1910	201	371
87 renumbered 85, and amended	Education funds	1911	634	1432
88 renumbered 86, and amended	Education funds	1911	634	1432
89 renumbered 87, and amended	Education funds	1911	634	1432
90	Education funds	1910	201	371
90 renumbered 88, and amended	Education funds	1911	634	1432
91	Education funds	1910	201	371
91 renumbered 89, and amended	Education funds	1911	634	1432
92	Education funds	1909	520	1312
92 renumbered 90, and amended	Education funds	1911	634	1432
93 renumbered 91, and amended	Education funds	1911	634	1432
94 renumbered 92, and amended	Education funds	1911	634	1432
95, repealed	Education funds	1911	634	1432

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	STATE FINANCE LAW — (*Continued*).			
96, repealed	Education funds	1911	634	1432
97 renumbered 93	Education funds	1911	634	1432
Schedule of repeals	L. 1864, ch. 185, § 4, omitted	1909	240	421
	STATE LAW: (L. 1909, ch. 59, constituting cons. laws, ch. 57.)			
3	Massachusetts boundary line	1910	447	835
50	Acquisition by United States of lands for parade grounds	1910	109	171
50	Purchase of lands by United States for naval purposes	1911	527	1201
51	Acquisition by United States of lands for parade grounds	1910	109	171
55	Deeds of land acquired by United States	1909	240	414
Schedule of repeals	L. 1828, ch. 20. § 15, ¶¶ 1, 2, omitted	1909	240	420
	STATE PRINTING LAW: (L. 1909, ch. 60, constituting cons. laws, ch. 58.)			
11	Publication of reports	1909	413	894
11	Extra copies of reports	1910	392	720
	STOCK CORPORATION LAW: (L. 1909, ch. 61, constituting cons. laws, ch. 59.)			
10	Reorganization of corporation, plan or agreement	1911	858	2309
26	Change of number of directors	1909	421	903
	TAX LAW: (L. 1909, ch. 62, constituting cons. laws, ch. 60.)			
9	Place of taxation of real property	1911	315	732
20	Ascertaining facts for assessment	1911	116	179
20	Ascertaining facts for assessment	1911	805	2131
21	Preparation of assessment-roll	1911	315	732
21a, added	Assessment-rolls in cities	1911	117	180
30–32, repealed	Real property of nonresidents and corporations	1911	315	734
30, added	Tax maps in each tax district	1911	315	734
36	Notice of completion of assessment-roll	1909	403	866
43	Special franchise valuations	1909	275	480
43	Assessment of special franchises	1910	7	9

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	TAX LAW — (*Continued*).			
43	Assessment of special franchises	1910	458	890
43	Assessment of special franchise	1911	804	2127
45	Special franchise assessment, hearings	1911	804	2127
45a, added	Special franchise assessment, final valuation, etc	1911	804	2128
46	Special franchise assessments, review	1911	804	2130
46a, added	Special franchise valuations	1911	875	2589
47	Employment of experts in certiorari proceedings	1911	471	1075
50	Equalization by board of supervisors	1911	801	2119
54	Description of real property	1911	315	735
61	Statement of valuation	1911	118	180
63	Errors in assessment-rolls	1911	315	735
64, added	Statistics of taxation, revenue and debt	1911	119	181
70	Notice to nonresidents	1909	207	323
81	Fees of collector	1909	240	415
85	Extension of time for collection	1910	332	586
94	Receipt for taxes	1911	579	1335
173	Tax commissioners to visit counties	1911	120	182
180	Organization tax	1910	472	911
180	Organization tax	1911	91	129
181	License tax on foreign corporations	1910	340	603
220	Taxable transfers	1910	706	2041
220	Taxable transfers	1911	732	1958
221	Exemptions from taxable transfers	1910	600	1440
221	Exceptions and limitations of transfer tax	1910	706	2043
221	Exceptions and limitations of transfer tax	1911	732	1959
221a, added	Rate of transfer tax	1911	732	1960
225	Refund of transfer tax	1911	308	723
229	Taxable transfers	1909	283	512
229	Transfer tax appraisers, etc	1910	706	2045
229	Transfer tax appraisers, appointment	1911	803	2124
230	Transfer tax appraisers, proceedings	1911	800	2113
234	Salary of transfer tax clerk, Albany county	1910	70	113
234	Salaries of transfer tax clerks, various counties	1911	681	1776
234, subd. 6	Salary of transfer tax clerk, Queens county	1911	160	253
234, subd. 14, added	Transfer tax clerk, Nassau county	1911	744	1979
240	Transfer tax reports of county treasurer	1911	800	2116
241	Transfer tax, report of comptroller; payments; refunds	1911	800	2117
243	Transfer tax, definitions	1910	706	2046
243	Transfer tax, definitions	1911	732	1961
259	Tax on trust mortgage	1909	412	890
264	Optional tax on prior advanced mortgages	1910	601	1441
265, added	Tax a lien	1909	412	892
266, added	Enforcement	1909	412	893
267, added	Recovery against trust mortgagee	1909	412	894
270, L. 1905, ch. 241, § 315 re-enacted as	Stock transfer tax, amount, stamps	1910	38	64
270	Stock transfer tax, amount, stamps	1911	352	801
271a, added	Sale of transfer tax stamps	1911	12	14
272	Failure to pay stock transfer tax	1911	352	802

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	TAX LAW — (*Continued*).			
273	Canceling stamps; penalty for failure	1911	352	802
275	Illegal use of transfer tax stamps	1911	12	14
276	Determination of tax on transfers of stock	1910	453	882
276	Determination of tax on transfers of stock	1911	352	803
280, added	Refunds of taxes on stock transfers	1910	186	350
293	Return to writ of certiorari	1909	330	618
293	Return to writ of certiorari	1911	302	713
301	Personal tax	1909	374	773
330–337, added	Taxation of secured debts	1911	802	2121
	TENEMENT HOUSE LAW: (L. 1909, ch. 99, constituting cons. laws, ch. 61.)			
16	Fire escapes	1909	354	671
17	Bulkheads	1910	445	832
32	Scuttles, etc	1909	354	674
73	Rooms	1909	354	675
76	Lights in halls	1911	388	886
77	Skylights and ventilators	1909	354	676
95	Basement rooms	1909	354	677
100	Basements and cellars	1909	354	678
121	Certificate of compliance	1909	354	678
122	Unlawful occupation	1909	354	679
170	Application of chapter to second class cities	1911	388	886
	TOWN LAW: (L. 1909, ch. 63, constituting cons. laws, ch. 62.)			
41	Terms of assessors	1910	271	483
43, subd. 13, added	Town records	1909	422	904
46	Special town meetings	1910	188	356
64	Canvass of votes	1909	240	415
80	Town officers	1909	491	1181
80	Election and terms of assessors	1910	271	484
82	Term of office	1909	491	1181
82	Terms of assessors	1910	271	485
85	Compensation of town officers	1909	491	1182
89	Fires in woods	1909	491	1183
89	Forest fires	1910	630	1626
91	Delivery of books, etc., by officer to successor	1909	491	1183
98, subd. 1	Supervisor to receive moneys	1909	491	1184
98, subd. 8, added	Forest fires	1910	630	1626
109, repealed	Commissioners of highways	1909	491	1184
110	Pound master	1909	491	1184
111	Town superintendent of highways	1909	491	1184
119, 120, repealed	Tree warden	1909	491	1185

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	TOWN LAW — (*Continued*).			
121	Fence viewers	1909	491	1185
122, added	Peace officers in certain towns	1909	147	227
122–124, added	Police justice	1909	528	1320
131	Town boards, special meetings	1909	140	217
133	Lists of accounts against town	1910	316	560
137	Grand army posts, Greene county	1911	465	1068
153	Lists of accounts against town	1910	316	561
154	Compensation of town auditors	1910	24	38
155	Lists of accounts against town	1910	316	562
170, subd. 8, repealed	Maintenance of watering trough	1909	491	1185
171	Fees in criminal proceedings	1909	523	1315
177	Appeals from audit of town board	1910	61	98
230	Sewer systems outside of cities and villages	1910	134	235
230	Petition for establishment of sewer system	1911	507	1162
231	Sewer systems outside of cities and villages	1910	134	235
231	Sewer commissioners	1911	507	1164
233	Sewer systems outside of cities and villages	1910	134	235
234	Sewer systems outside of cities and villages	1910	134	235
235	Sewer systems outside of cities and villages	1910	134	235
237	Sewer systems outside of cities and villages	1910	134	235
240	Reapportionment of assessments for sewers	1911	251	636
241–244	Sewer systems outside of cities and villages	1910	134	235
245, repealed	Lien of sewer assessment	1910	134	242
250–252, added	Sidewalks	1910	183	342
253, added	Sidewalks	1910	183	342
253	Sidewalk tax	1911	139	223
254, added	Sidewalks	1910	183	342
261	Lighting districts, Westchester county	1910	671	1928
298, added	Water districts	1909	356	681
310, 313, 314, amended; 315, added	Fires	1910	408	747
332	Care of cemeteries	1909	473	1135
360, 361, 369	Division fences	1911	86	121
460	Town boards in certain towns	1909	491	1185
460	Town boards in certain towns	1909	511	1289
461	Town boards in certain towns	1909	491	1185
461	Town boards in certain towns	1909	511	1290
462	Town boards in certain towns	1909	491	1186
462	Town boards in certain towns	1909	511	1290
468, 470, 472	Government of certain towns	1909	511	1290
474	Acquisition of land for town purposes	1911	671	1760
477	Lighting streets	1910	283	510
482	Sidewalks; sewer and water connections in certain towns	1909	511	1292
483	Maps of proposed sewer district	1911	564	1274
484	Hearing objections to proposed sewer	1911	564	1274
486	Laying new highways; lighting highways	1910	283	511
501, 502	Assessment roll in certain towns	1909	511	1293
523	Officers in certain towns	1909	491	1186
530	Town meetings in certain towns	1909	240	416

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Continued*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	TOWN LAW — (*Continued*).			
533	Officers in certain towns	1909	240	416
533	Officers in certain towns	1909	491	1187
534	Accounting by officers of certain towns	1909	240	417
543, 563, 573, 583, 584	Officers in certain towns	1909	491	1187
586, added	Compensation of town officers, Orange and Rockland counties	1911	230	507
590	Laws repealed	1909	240	417
Schedule of repeals	L. 1901, ch. 34, §§ 6–8, omitted	1909	240	421
Schedule of repeals	L. 1866, ch. 30, §§ 2, 3, inserted	1909	240	422
Schedule of repeals	L. 1908, ch. 432, inserted	1909	240	424
	TRANSPORTATION CORPORATIONS LAW: (L. 1909, ch. 219, constituting cons. laws, ch. 63.)			
153–159, added	Freight terminal corporations	1911	778	2075
	VILLAGE LAW: (L. 1909, ch. 64, constituting cons. laws, ch. 64.)			
2	Requisite population	1909	555	1501
3	Proposition for incorporation	1909	555	1501
5, subd. 3	Area of territory	1909	555	1502
5a, added	Barbed wire fences	1910	69	113
10	Time of holding elections	1910	416	757
14	Election to incorporate	1911	114	177
22a, added	Band concerts	1911	519	1189
33, added	Incorporation in certain cases	1910	258	461
40a, added	Change of classification of villages	1910	321	587
41, subd. 2	Eligibility of women to vote on certain propositions	1910	135	263
51	Registration of voters	1910	423	781
51a, added	Registration of voters	1910	423	781
51a, added	Registration of voters	1911	427	963
52	Annual elections	1909	472	1130
56	Borrowing money for highways	1910	4	5
63	Boards of park commissioners	1909	469	1125
80	Filing maps of village	1911	205	477
86	Compensation and duties of village officers	1911	66	91
89, subd. 7	Fire limits	1910	651	1748
89, subd. 15	Drains	1910	454	884
89, subd. 24	Contracts for fire protection	1911	495	1117
90a, added	Building and sanitary codes	1910	202	376
100	Fiscal year	1909	472	1131
104	Annual assessment roll	1909	472	1131
105	Hearing of complaints as to assessment rolls	1909	472	1132

I. CHANGES IN THE CONSOLIDATED LAWS, 1909–1911 — (*Concluded*).

Section.	SUBJECT.	Year.	Chapter.	Page.
	VILLAGE LAW — (*Continued*).			
106	Completion and verification of assessment rolls	1909	472	1133
107	Failure of assessors to meet	1909	472	1133
108	Notice of completion of assessment roll	1909	472	1134
110, subd. 6, added	Special tax where June election adopted	1909	472	1134
128	Borrowing money generally	1911	57	76
128	Borrowing money generally	1911	738	1972
128, subd. 13, added	Borrowing money for highways	1910	4	7
131	Second election to raise money	1910	598	1438
145	Petition for street improvement	1911	310	726
145a, added	Street improvements in villages of second class	1911	403	923
162	Credit for flagging sidewalks	1911	515	1175
166	Construction of sidewalks	1909	430	915
169	Acquisition of land for parks, etc	1909	469	1124
186	Civil jurisdiction of police justices	1911	501	1149
276	Sewers	1909	212	334
278, added	Powers of sewer commissioners	1910	259	462
278–283, added	Board of public works	1910	626	1597
290	Acquisition of lands for parks or cemeteries	1909	469	1124
292	Ordinances of park or cemetery commissioners	1909	469	1125
295	Property in trust for park or cemetery	1909	469	1125
296	Reports of park and cemetery commissioners	1909	469	1125
297, added	Control and maintenance of parks	1909	469	1126
390	Laws repealed. (*See note, L.* 1909, *p.* 418.)	1909	240	418

II. SECTIONS OF CODE OF CIVIL PROCEDURE AMENDED.

Section.	SUBJECT.	Chapter.	Page.
	(*L.* 1877, *ch.* 416, *generally amending the code of remedial justice and redesignating said code as the code of civil procedure, which was inadvertently repealed by L.* 1907 *ch.* 755, *is revived and re-enacted by L.* 1911, *ch.* 75.)		
263	Board of claims	856	2396
266	Board of claims, officers	856	2397
268	Board of claims, sessions	856	2397
279	Commissioners of claims, salaries	856	2398
280	Board of claims, salaries of officers	856	2398
315	Jurisdiction of city court, New York	569	1295
316	Limitations of jurisdiction, city court, New York	569	1296
318	Naturalization, city court, New York	569	1296
328	Assistants, city court, New York	173	272

II. SECTIONS OF CODE OF CIVIL PROCEDURE AMENDED — (*Concluded*).

Section.	SUBJECT.	Chapter.	Page.
341	Jurisdiction of county courts relative to domestic corporations	68	92
447	People as party defendant	24	33
647	Attachment of interest in shares or bonds	419	950
767	Short form orders on motions	368	843
768	Motions	763	2027
830	Testimony of party or witness since deceased, etc	764	2029
842	Oaths before city magistrate or police justice	670	1759
872, subd. 7	Affidavit on application for deposition	781	2087
881	Deposition, when to be read in evidence	859	2401
977	Notice of trial, etc., Nassau county	218	492
1180	Challenges to jury	206	475
1242	Sale of real property under judgment	180	281
1245	Judgment dockets, New York county	290	689
1245a, added	Current docket books, New York county	290	690
1260, subd. 4, added	Satisfaction of judgment by deposit	599	1364
1391	Satisfaction of execution against wages, etc	489	1101
1391	Execution against wages, etc., not applicable to certain judgments	532	1206
1524	Action of ejectment, final judgment	509	1166
1526	Action of ejectment, judgment by default	509	1166
1529	Action of ejectment, vacating judgment	509	1166
1594	People as defendant in partition action	26	35
1627	People as defendant in foreclosure action	25	34
1757	Verification of answer in divorce action	311	727
1836a, added	Actions by or against foreign executor or administrator	631	1429
1903	Distribution of damages, negligence actions	122	184
2434	Supplementary proceedings	558	1264
2434	Supplementary proceedings	831	2339
2457	Supplementary proceedings	558	1265
2509a, added	Kings county, surrogates' court, chief clerk	688	1811
2528	Waiver of citation, surrogates' court	330	768
2540	Examination by surrogate or clerk of witness residing in another county	105	163
2558, subd. 3	Costs to unsuccessful contestant of will	539	1218
2616	Service of citation upon attorney-general	433	970
2663	Service of citation, surrogates' court	431	968
2669	Kings county, public administrator	774	2055
2722, subd. 3, added	Proceedings to compel payment of distributive share	434	971
2725	Intermediate accounting upon petition of attorney-general	436	974
2727	Judicial settlement of accounting	432	969
2728	Citation of attorney-general in voluntary accounting	494	1115
2728, first ¶	Petition of executors, etc., for judicial settlement	329	768
2746	Distributive share of infants	328	766
2754	Service of citation upon attorney-general	437	975
2757, new ¶, added	Sale of decedent's real property at public auction	435	972
2866	Innkeepers as justices of the peace	600	1366
3063	Judgment on appeal from justice's court	364	835

III. SECTIONS OF CODE OF CIVIL PROCEDURE REPEALED.

Section.	SUBJECT.	Chapter.	Page.
1525	Action of ejectment, new trial	509	1167
1527	Action of ejectment, time of disability	509	1167
1528	Action of ejectment, allegation of rent in arrear	509	1167
1530	Action of ejectment, evidence on new trial	509	1167

IV. SECTIONS OF CODE OF CRIMINAL PROCEDURE AMENDED.

Section.	SUBJECT.	Chapter.	Page.
55	Court of general sessions, city and county of New York	606	1372
55	Court of general sessions, city and county of New York	809	2134
456	Appeals from judgments in criminal cases	667	1754
458	Case on appeal	667	1754
554, subd. 4	Bail of minors under sixteen	500	1148
892	Commitment of vagrants	689	1812
952p	Appointment of stenographers	115	178
952q	Grand jury stenographer, Hamilton county	632	1430

V. LAWS, OTHER THAN THE CONSOLIDATED LAWS AND CODES, AMENDED.

Laws of.	Chapter.	SECTIONS AMENDED.	Chapter.	Page.
		Actors' Fund of America:		
1882	327	Charter, § 6	755	2017
		Albany:		
1861	137	Masters Lodge number five, § 3	125	188
1899	554	Police pension fund, § 3, subds. 1, 2; § 4	78	108
		Albion:		
1879	142	Charter, tit. 2, § 6	177	276
		Amsterdam:		
.....		Charter revised	242	521
1911	242	Charter, § 9	717	1936

V. LAWS, OTHER THAN THE CONSOLIDATED LAWS AND CODES, AMENDED—(*Continued*).

Laws of.	Chapter.	SECTIONS AMENDED.	Chapter.	Page.
		Auburn:		
1875	577	Public schools, §§ 5, 8, 18, 28	422	955
1894	36	Water supply, § 6	389	887
1906	185	Charter, §§ 101, 101b, 101c	560	1266
		Barge canal act:		
1903	147	Appropriation of lands, structures and waters, § 4	468	1071
1903	147	Advisory board of consulting engineers abolished, §§ 4, 6, 8	736	1966
		Bath:		
1895	785	Charter, tit. 9, § 5	138	222
		Binghamton:		
1869	294	Fire department, §§ 2, 3	444	994
1907	751	Charter, §§ 406, 408, 409, 411, 413, 414	337	779
		Brooklyn:		
1897	509	Botanic garden, §§ 1, 2, amended; new § 3, added; §§ 3, 4, renumbered §§ 4, 5	178	277
		Buffalo:		
1888	345	Grade crossing commissioners, §§ 1, 2 (as added by L. 1901, ch. 36), 6, 8–13, 3 (as added by L. 1901, ch. 36), 14–16	358	815
1891	105	Charter, §§ 2, 3	517	1177
1891	105	Charter, §§ 2, 3, subd. 26	896	2730
1891	105	Charter, § 105	612	1396
1891	105	Charter, § 187	446	1001
1891	105	Charter, § 189	613	1399
1891	105	Charter, § 211	487	1092
1891	105	Charter, § 267	849	2377
1891	105	Charter, § 310	222	496
1891	105	Charter, § 343a, added	386	883
1891	105	Charter, new tit. 17 (§§ 382–389), added	885	2801
1891	105	Charter, § 486	232	509
1891	105	Charter, tit. 25 (§§ 510–533), added	651	1728
1892	353	Grade crossing commissioners, § 5	358	820
1903	240	Waterworks, § 6	76	104
1908	56	Park lands, §§ 1, 3	41	56
1909	84	School building bonds, § 1	106	165
1909	115	Tuberculosis hospital, § 2	50	70
1909	570	City court, § 3	658	1743
1909	570	City court, § 20, subd. 15	343	792
		Canastota:		
1895	479	Police and fire department, § 24	144	235
		Cayuga and Seneca canals:		
1909	391	Bond issue for improvement, § 3	453	1026
1909	391	Advisory board of consulting engineers abolished, § 4	736	1969
		Cohoes:		
1892	671	Charter, tit. 11, §§ 8, 30	383	869
1902	392	Water supply, § 2	28	38

V. LAWS, OTHER THAN THE CONSOLIDATED LAWS AND CODES, AMENDED — (*Continued*).

Laws of.	Chapter.	SECTIONS AMENDED.	Chapter.	Page.
		Cohoes — (*Continued*).		
1902	392	Water supply, § 3, added. (*See foot note, p.* 1898.)	702	1898
1910	385	Fire department, § 2	27	36
		Columbia county:		
1891	268	Sheriff, § 1	44	61
		Cortland:		
1900	160	Charter, §§ 87, 88, added; § 76, amended	357	811
1900	160	Charter, § 176, added	221	495
1900	160	Charter, § 177, added	353	804
		Cortlandt:		
1905	263	Appropriation to Helping Hand Hospital Association of Peekskill, § 1	672	1761
		County detectives:		
1897	62	Appointment, § 1	598	1363
		County roads:		
1910	564	County roads in certain counties, tit., amended; § 1, amended	254	640
		Dansville:		
1893	371	Charter, tit. 2, § 1, amended; § 4a, added; tit. 4, § 1, amended; tit. 8, § 2a, added	62	84
		Diocesan Missions of Long Island:		
1902	394	Charter, § 4	704	1903
		Drew Seminary and Female College:		
1866	760	Charter, § 3a, added	20	26
		Elmira:		
1895	370	Public schools, §§ 13, 19, subd. 11; § 20	522	1195
1906	477	Charter, § 2	193	436
1906	477	Charter, § 32, subd. h; §§ 35, 74, 197	674	1764
1906	477	Charter, § 49	194	439
		Erie county:		
1880	31	Public buildings and grounds, Buffalo, § 4	414	942
1895	173	County auditor, §§ 2, 3	189	427
		Fairport:		
1881	638	Charter, §§ 19, 42, 45	191	432
		Fulton:		
1902	63	Charter, §§ 7, 9, 11, 14, 18, 23, 26, 45, 48, 50, subds. 3, 21, 36; §§ 60, 61, 63, subd. 3; §§ 110, 121, 126, 134, 185, 189, 195, 203, 240, 247, 281, 310	551	1235
1902	63	Charter, § 12	597	1361
1908	358	Amends charter, §§ 26, 189	551	1235

V. LAWS, OTHER THAN THE CONSOLIDATED LAWS AND CODES, AMENDED—(*Continued*).

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		Geneva:		
1897	360	Charter, tit. 17, (§§ 163–170), added	391	889
		Grand Island:		
1879	222	School districts, §§ 13, 14, added	43	60
		Hoosick Falls:		
1909	541	Street improvement, §§ 2, 12, 14	454	1028
		Hornell:		
1906	288	Charter, § 220	799	2112
		Hudson:		
1895	751	Charter, §§ 5, 19, 79, subd. 5; § 185	684	1780
		International Railway and Crosstown Street Railway Companies of Buffalo:		
1903	637	Extension of time for completion, § 1	789	2097
		Ithaca:		
1908	503	Charter, § 159	401	915
		Jamestown:		
1907	387	Charter, § 280a, added	897	2733
		Johnstown:		
1905	593	Charter, §4, new subd. 3, added; subds. 3–6 renumbered subds. 4–7.	266	661
		Jurors, Commissioners of:		
1895	369	Drawing and qualifications of jurors, §§ 16, 20	690	1813
1899	441	Nassau county, §§ 1, 4, subd. 3	705	1904
		Kings county:		
1896	772	District attorney's office, § 3	409	937
1896	772	District attorney's office, § 5	452	1025
1897	438	Assistant district attorneys, § 1	309	725
1901	704	Clerk, §§ 1, 3	264	656
1901	704	Clerk, §§ 1–3	641	1451
1901	706	Register, § 1	780	2086
1902	564	Jurors, §§ 1–3	628	1425
1904	171	Commissioner of records, §§ 2, 3, 7	642	1454
		Kingston:		
1896	747	Charter, §§ 11–18, 20, 21, 24, 27, 33, 35, 42, 44, 55, amended; § 73a, added; §§ 80, 83, subd. 1; §§ 90, 106, 117, 120, subds. 9, 40, 51, 52; §§ 121, 123, 124, subds. 6, 8; §§ 147, 151, 162, 164, 166, amended	617	1393
		Lackawanna:		
1909	574	Charter, § 7	113	176
1909	574	Charter, § 44	524	1197

V. LAWS, OTHER THAN THE CONSOLIDATED LAWS AND CODES, AMENDED — (*Continued*).

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		Lake Champlain tercentenary commission:		
1908	149	Permanent memorials to Samuel Champlain; report, § 4	181	282
		Laura Franklin Free Hospital for Children:		
1888	47	Charter, § 3	656	1741
		Le Roy:		
.....		Charter revised	499	1120
		Letchworth Village:		
1909	446	Management, § 12, added	586	1344
		Lockport:		
.....		Charter revised	870	2424
		Mechanicville:		
1891	106	Charter, tit. 5, § 3, subd. 55	745	1980
		Methodist Book Concern:		
1869	263	Charter, §§ 1, 3–6, 8	197	446
		Middletown:		
1902	572	Charter, §§ 3, 6, 11, 13, 14, 15, 17, 20–22, 24, 29, 32, subds. 22, 23, § 46, amended; § 52a, added; §§ 53, 54, subd. 1; §§ 59–62, 65–68, amended; § 68a, added; § 70, amended; §§ 70a, 70b, added; §§ 71–73, 75, 107, subd. 2; §§ 111, 119, 121, 122, 156, 161, 163, 165, 166, subd. 8; §§ 175, 177, 180–182, 185–188, 190–192, 196–201, 210, amended	699	1836
902	572	Charter, §§ 59, 60, 63, 71, 73, 80, 166, subd. 12	187	418
		Mohawk:		
844	157	Charter, § 9, subds. 4, 8	412	939
		Mount Vernon:		
892	182	Charter, §§ 12, 13, 34, 161	82	113
892	182	Charter, § 166, subd. 59	676	1770
892	182	Charter, § 229j	77	106
905	176	Paving and grading of streets, § 1	21	27
911	127	Water supply, § 26a, added	871	2575
		Nassau county:		
910	407	Teachers' retirement fund, §§ 2, 3	692	1818
		Newburgh:		
907	203	Charter, tit. 5, § 29	537	1215
907	203	Charter, tit. 7, § 1	538	1216
		New York city:		
882	410	Consolidation act, § 1503	516	1176
882	410	Consolidation act, § 1649	85	120
887	696	Charitable institutions exempt from water rents, §§ 1, 2	686	1806
890	523	Sheriff, § 1	761	2025

V. LAWS, OTHER THAN THE CONSOLIDATED LAWS AND CODES, AMENDED — (*Continued*).

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1891	4	Rapid transit act, § 37	888	2607
1892	642	Surrogate's court, § 4a, added	411	939
1895	1006	Discontinuance of streets, § 3	879	2593
1897	298	Distribution of advertising matter, § 1	521	1194
1897	378	Charter, §§ 101, 607	644	1460
1897	378	Charter, § 150	607	1373
1897	378	Charter, §§ 165–167	669	1757
1897	378	Charter, §§ 169, 182	456	1046
1897	378	Charter, § 189, added	224	501
1897	378	Charter, § 196	304	716
1897	378	Charter, § 247, added	679	1772
1897	378	Charter, § 402, added	834	2342
1897	378	Charter, § 435	712	1914
1897	378	Charter, §§ 439, 445, 486	675	1766
1897	378	Charter, § 534	680	1775
1897	378	Charter, §§ 548–558, added	839	2348
1897	378	Charter, §§ 629–631, added	563	1272
1897	378	Charter, § 691a, added	69	93
1897	378	Charter, § 693, subds. 6, 7	682	1778
1897	378	Charter, §§ 727, 728; ch. 15, tit. 3, schedule of sections; §§ 774–776, 776a, 777, 777a, 777b, 778, 778a–778c, added	899	2737
1897	378	Charter, § 740	392	894
1897	378	Charter, § 816	301	712
1897	378	Charter, § 818a, added; § 205, amended	694	1822
1897	378	Charter, § 823h, added	661	1745
1897	378	Charter, §§ 889, 892, 892a, 894–896, 898–900, 906, 907, 909, 911, 914, 916, 917, 1022, 1025	455	1031
1897	378	Charter, §§ 1023, 1049	673	1762
1897	378	Charter, § 1035	65	89
1897	378	Charter, § 1091	902	2749
1897	378	Charter, § 1241	886	2604
1897	378	Charter, § 1352, subd. 6, added	678	1771
1897	378	Charter, § 1539a	813	2310
1902	580	Municipal court act, § 145, subd. 2	73	102
1907	412	Court of general sessions, § 7	526	1200
1910	659	Inferior criminal courts act, §§ 17, 103	720	1942
1910	659	Inferior criminal courts act, § 31, subd. 1, clause (c)	576	1332
1910	659	Inferior criminal courts act, § 36	721	1944
1910	659	Inferior criminal courts act, § 74	881	2597
1910	659	Inferior criminal courts act, § 77	510	1167
1910	659	Inferior criminal courts act, § 100	757	2021
1910	659	Inferior criminal courts act, § 107	722	1944
		New York county:		
1883	57	Preservation of public records, § 2	827	2335
1884	530	Surrogates, §§ 1, 3	775	2057
1890	523	Sheriff, § 1	761	2025
1892	642	Surrogate's court, § 4a, added	411	939
1903	336	Courthouse, §§ 15a, 15b, added	880	2595
1906	661	Records in county clerk's office, § 2	291	693
1906	661	Records in county clerk's office, § 4c	292	695
1907	412	Court of general sessions, § 7	526	1200

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1822	128	Charter, § 2	596	1360
		Niagara Falls:		
1904	300	Charter, §§ 3, 4, 15, 16, subd. 6; §§ 17, 18, 23, 63, 64, 90, 95, 121, 129, amended; § 143, added, §§ 213, 214, 291, amended; § 313, added; §§ 347, 348, 370, 371, 375, 380, 423, 461, 482, 575, amended	645	1461
		North Tonawanda:		
1907	752	Charter, tit. 1, § 2; tit. 3, §§ 3, 6, 8, 10, amended; tit. 3, § 14, added; tit. 6, § 1, amended; tit. 17, § 7, added; tit. 16, § 23, amended	263	650
1907	752	Charter, tit. 11, § 1; tit. 24, § 1; tit. 26, § 14	445	997
		Olean:		
1893	478	Charter, §§ 84, 98	402	916
		Oneida:		
.....		Charter revised	648	1550
		Oneonta:		
1908	454	Charter, § 82a, added	186	417
		Orange county:		
1901	83	Public highways, § 3	240	519
1904	213	Clerk, §§ 2, 3, 5, 11	691	1816
		Oswego:		
1895	394	Charter, § 330a, added	370	848
		Oswego county:		
1909	242	Sheriff, §§ 8, 10	61	82
		Owego:		
1851	111	Charter, § 68, added	342	787
		Pelham:		
1909	544	Sewage disposal works, § 8a, added	276	672
1909	544	Sewage disposal works, § 9a, added	367	842
		Police, first and second class cities:		
1911	360	New York city, traffic squad, excepted, § 6a, added	883	2599
		Port Chester:		
1868	813	Charter, tit. 4, § 3	162	257
1899	517	Paving of streets, § 6	231	508
		Port Jervis:		
1907	753	Charter, § 77a, added; § 78, amended; §§ 78a, 78b, added; § 84, amended	72	97
		Poughkeepsie:		
1896	425	Charter, §§ 8, 11, 14, 16, amended; § 17b, added; §§ 22, 26, 28, 29, 84, 99, 100, 103, subds. 4, 7, 8, 11–13; §§ 104, 111, 114, 116, 117, 126, amended	685	1784

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1902	35	City court, §§ 2, 4	654	1738
1907	643	Police pension fund, §§ 1, 2, subd. 5	655	1739
		Reynolds' library in the city of Rochester:		
1884	9	Charter, § 3	239	518
		Richmond county:		
1896	392	Commitment and discharge of prisoners, §§ 1, 3, 4, 6–9	701	1893
		Rochester:		
1907	755	Charter, §§ 15, 18, amended; § 383, subd. 9, §§ 406, 407, added	340	783
1907	755	Charter, §§ 64, 119, 444, 446, 635	384	875
1907	755	Charter, § 65	74	103
1907	755	Charter, § 336, subd. 2, subd. (b)	70	94
		Rome:		
1904	650	Charter, §§ 6, 48, 49, 176	703	1899
1904	650	Charter, §§ 92, 147	131	211
		Saratoga Springs:		
1866	220	Charter, §§ 87, 88	425	960
1866	220	Charter, § 89, added	209	482
1902	506	Charter, § 12	341	788
1902	506	Charter, § 12	848	2374
1909	569	State reservation, §§ 2, 4–6, amended; § 7, added	394	903
1909	569	State reservation, § 3	469	1074
		Schenectady:		
1907	182	Firemen's pension fund, § 3	379	861
		Schenectady county:		
1905	153	Sheriff, §§ 1, 4–6	168	267
		Skaneateles Railroad Company:		
1866	635	Charter, § 7	863	2406
		Staten Island Association of Arts and Sciences:		
1905	526	Charter, §§ 1, 4, amended; §§ 5–8 renumbered §§ 6–9; new § 5, added (*See foot notes to this chapter.*)	850	2373
		Streets in certain cities:		
1895	1006	Discontinuance, § 3	879	2393
		Syracuse:		
1905	683	Police and firemen's pension funds, § 1, subds. 8, 9, added	372	854
1905	684	Department of public works, §§ 7, 28	71	96
1906	75	Department of assessment and taxation, §§ 22, 24, amended; new §§ 43–48, added; §§ 43, 44 renumbered §§ 49, 50	385	873
1907	356	Intercepting sewers, § 11	22	28
		Tonawanda:		
1905	357	Charter, tit. 2, § 7a, added; tit. 8, § 12; tit. 17, § 1, subds. 4, 7, amended	345	758

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		Tonawanda — (*Continued*).		
1905	357	Charter, tit. 20, § 20a, added	165	264
1905	357	Charter, tit. 26, § 10	535	1211
		Ulster county:		
1906	103	Clerk, § 8	237	516
		Utica:		
1897	738	Board of assessors, § 9, subd. 2	42	58
		Utica Orphan Asylum:		
1830	267	Charter, § 4	376	859
		Washington county:		
1897	116	Clerk, §§ 2, 3	723	1945
		Watertown:		
1897	760	Charter, §§ 218, 219	256	643
		Watervliet:		
....		Charter revised	184	291
		Westchester county:		
1905	646	Sewers, §§ 14, 19	869	2416
1909	431	Teachers' retirement fund, §§ 2–4	23	30
		White Plains:		
1867	518	Charter, tit. 2, §§ 1, 2, 4–6, 9, 10, 12, amended; §§ 15–21, added; tit. 3, § 1; tit. 4, § 1, amended	713	1915
1905	148	Public library, § 3	306	721
		Wyoming county:		
1906	167	County clerk, §§ 1, 8	163	259
		Young Ladies' Christian Association of the city of New York:		
873	319	Charter, §§ 2–6	265	658

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		Albany Burgesses Corps:		
834	304	All. Exemptions; restrictions	797	2105
878	215	All. Arms furnished	797	2105

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		Amsterdam:		
1881	101	All. Water supply	242	612
1885	131	All. Charter	242	612
1886	533	All. Construction of sewer system	242	612
		Barge canal:		
1904	200	All. Terms of office of advisory board of consulting engineers	736	1970
		Brooklyn:		
1900	765	All. Remsen avenue improvement	847	2374
		Buffalo:		
1888	345	Grade crossing commissioners, §§ 2a, 4 (as added by L. 1901, ch. 36), 5, 18 (as added by L. 1909, ch. 385)	358	826
1890	255	Grade crossing commissioners, § 12	358	826
		Canal debt:		
1911	484	All. Annual contribution to sinking funds	867	2414
		Chautauqua and Cattaraugus counties:		
1879	229	All. Collection of taxes	838	2348
		Dansville:		
1893	371	Charter, tit. 5, § 2	62	86
		Fairfield, Manheim and Little Falls:		
1868	432	All. Separate road district	143	234
		Forest, fish and game law:		
1909	240	(§ 30) Amends § 224	647	1550
		Greene county:		
1910	444	All. Teachers' retirement fund	146	236
		Highway improvement:		
1911	483	All. Annual contribution to sinking funds	867	2414
		Lien law:		
1911	450	Adds §§ 62–66; repeals §§ 5, 12, 16, 18, 21, 25, 42, 60	873	2582
		Lockport:		
1865	365	All. Charter	870	2573
1866	542	All. Amends charter	870	2573
1867	824	All. Amends charter	870	2573
1868	809	All. Amends charter	870	2573
1869	835	All. Amends charter	870	2573
1872	125	All. Amends charter	870	2573
1873	387	All. Amends charter	870	2573
1875	506	All. Amends charter	870	2573
1877	218	All. Amends charter	870	2573
1879	25	All. Amends charter	870	2573
1879	521	All. Amends charter	870	2573
1880	224	All. Amends charter	870	2573
1881	88	All. Amends charter	870	2573

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		Lockport — (*Continued*).		
1881	410	All. Amends charter	870	2573
1881	677	All. Amends charter	870	2573
1882	48	All. Amends charter	870	2573
1882	123	All. Amends charter	870	2573
1883	277	All. Amends charter	870	2573
1886	120	All. Charter revised	870	2573
1887	364	All. Amends charter	870	2573
1887	571	All. Amends charter	870	2573
1888	201	All. Amends charter	870	2573
1889	11	All. Amends charter	870	2573
1889	416	All. Amends charter	870	2573
1890	284	All. Amends charter	870	2573
1890	427	All. Amends charter	870	2573
1892	69	All. Amends charter	870	2573
1892	78	All. Amends charter	870	2573
1893	84	All. Amends charter	870	2573
1894	639	All. Amends charter	870	2574
1895	339	All. Amends charter	870	2574
1898	123	All. Amends charter	870	2574
1898	237	All. Amends charter	870	2574
1900	276	All. Amends charter	870	2574
1900	424	All. Amends charter	870	2574
1901	145	All. Amends charter	870	2574
1902	222	All. Amends charter	870	2574
1902	268	All. Amends charter	870	2574
1903	393	All. Amends charter	870	2574
1904	142	All. Amends charter	870	2574
1904	160	All. Amends charter	870	2574
1904	402	All. Amends charter	870	2574
1904	464	All. Amends charter	870	2574
1905	182	All. Amends charter	870	2574
1905	363	All. Amends charter	870	2574
1905	365	All. Amends charter	870	2574
1906	557	All. Amends charter	870	2574
1907	508	All. Amends charter	870	2574
1908	198	All. Amends charter	870	2574
1909	496	All. Amends charter	870	2574
1910	231	All. Amends charter	870	2574
1910	232	All. Amends charter	870	2574
1910	345	All. Amends charter	870	2574
		Middletown:		
1902	572	Charter, § 54, subd. 4, §§ 176, 178, 179	699	1836
1902	572	Charter, § 172	187	426
		Mount Vernon:		
1896	774	All. Water supply	127	204
		New York city:		
1897	378	Charter, §§ 918, 919	455	1045
1902	580	Municipal court act, § 238	900	2746

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		Oneida:		
1901	225	All. Charter	648	1665
1904	273	All. Amends charter	648	1665
1907	62	All. Amends charter	648	1665
1907	416	All. Amends charter	648	1665
1908	359	All. Unpaid taxes	648	1665
1910	175	All. Amends charter	648	1665
		Palisades Interstate park:		
1911	474	All. Annual contribution to sinking fund	867	2414
		Schenectady county:		
1905	153	Sheriff, §§ 10, 11	168	268
		State boards and commissions law:		
1910	285	All. Amends §§ 5–7	647	1550
1911	36	All. Amends § 12	647	1550
1911	142	All. Amends § 12a	647	1550
1911	420	All. Amends § 12	647	1550
		Staten Island Association of Arts and Sciences:		
1905	526	Charter, § 9, (*See note p.* 2382.)	850	2382
		Tonawanda:		
1905	357	Charter, tit. 2, § 5	345	783
		Watervliet:		
1896	905	All. Charter	184	416
1896	906	All. Water commissioners and water supply	184	416
1897	236	All. Water commissioners and water supply	184	416
1897	759	All. Amends charter	184	416
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1901	734	All. Water commissioners and water supply	184	416
1902	153	All. Amends charter	184	416
1902	272	All. Amends charter	184	416
1903	397	All. Amends charter	184	416
1904	186	All. Amends charter	184	416
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1906	79	All. Water commissioners and water supply	184	416
1906	282	All. Amends charter	184	416
1909	193	All. Amends charter	184	416
		White Plains:		
1867	518	Charter, tit. 5, § 18; tit. 7, § 19	713	1929
1896	768	Amends charter, § 19	713	1929
1902	201	Amends charter, §§ 31, 36	713	1929
1903	616	Amends charter, § 1	713	1929
1904	306	Police department, §§ 4, 7	713	1929
1907	604	Amends charter, § 13	713	1929

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